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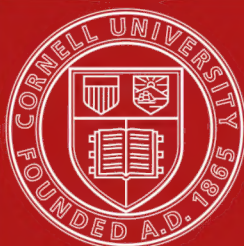
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THE  
STATE RECORDS  
OF  
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COLLECTED AND EDITED

BY

WALTER CLARK,

ONE OF THE JUSTICES OF THE SUPREME COURT OF N. C.

VOL. XVIII----1786.

WITH SUPPLEMENT, 1779.

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## PREFATORY NOTES.

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The year 1786 is memorable as being the date when the deficiencies of the old Confederation became so apparent that the movement for a change was inaugurated that led to the adoption of the present condition. On July 10th, 1786, Gov. Caswell addressed letters to Gov. Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount and Philemon Hawkins, informing them that in consequence of the Acts and Resolves of some of the other States to appoint Commissioners to take into consideration the trade of the United States and to report to the States such a draft of an act as would best promote the commercial interests of the United States, the Council had advised him to appoint them commissioners to attend at Annapolis on the first Monday in September.

Gov. Nash and Mr. Blount were delayed by illness, and Mr. Williamson, waiting for them, was detained and did not reach Annapolis until the 14th of September, on which day the other commissioners, having determined not to enter on the work, adjourned.

But before adjourning, they prepared a letter to the several States recommending that a convention be held at Philadelphia the following May with power to take into consideration other subjects than merely trade and commerce, and on this recommendation the Convention was held which framed the Constitution of the United States. On the part of North Carolina, Gov. Caswell, Col. Davie, Alex. Martin, R. D. Speight and Willie Jones were appointed to this convention; but Col. Jones declining Hugh Williamson was appointed in his stead.

An imperfect Census of the State was taken in the year 1786, by State Authority. The returns were certainly far from accurate: but they show that Halifax was the most populous county in the State, having a population of 10,327. Caswell came next with 9,838. Edgecombe third, 8,480; Warren, fourth, 8,295 and Northampton next with 7,043. Duplin had 5,245, Sampson 4,268; New Hanover 5,042 and Richmond returned only 2,585. From these figures it would seem that the overflow from Virginia into the border coun-



ties on the North maintained that section as the most populous portion of the State.

The Assembly met November 20, 1786, at Fayetteville. James Coor of Craven County was chosen Speaker of the Senate and John B. Ashe, Speaker of the House. In the Senate Elisha Battle and Genl. Rutherford were among the leaders; while in the House there were Richard D. Speight, Wm. R. Davie, Archibald Maclaine, Reading Blount, William Polk, Stephen Cabarrus, William Hooper, Judge Sitgreaves and many others of the most influential characters of that day.

There was considerable excitement throughout the State at the time the Legislature assembled because of frauds discovered in the disbursement of public moneys. A Board of Commissioners had been appointed for liquidating the army accounts. Certificates were to be given by officers certifying the claims of soldiers and of others, and these certificates had to be passed on by the Board, and upon their approval the Treasurer of the State was to pay the same.

In many instances, certificates were improperly made in blank; in others certificates were given where no service whatever had been rendered. In some cases forgeries were practiced. Some of the officers, it was alleged, gave certificates under an agreement to share in the spoils; and it was thought that some of the Board shared in the frauds.

Governor Caswell in his message, upon the opening of the Legislature, reported :

"The frequent and repeated observations of individuals and the clamor of the people at large respecting the conduct of the Commissioners for liquidating the army accounts, and their suggestions of many fraudulent accounts being passed, induced me to state the matter to the Council who advised me to direct the Treasurer to stop the payment of any Certificate granted on accounts passed by that Board since the sitting of the last Assembly, and also advised me to direct the Commissioners to transmit to the present Assembly all such accounts and vouchers as were lodged in their office since that period. This advice I have pursued, and I flatter myself these officers have and will comply therewith, though report says that the Treasurer has not attended to it, and the clamors of the people have since been greater than before, and some illiberal suggestions have been thrown out against several of your principal officers."

The subject was at once taken up by the Assembly and pressed with vigor. From information furnished by Governor Caswell, a resolution was adopted requiring the Governor to cause to be apprehended all the persons concerned, of whom twenty-three were individually named in the order of arrest, and the names of twenty-eight witnesses were stated. The accused were all to be arrested and held in close confinement as "prisoners of State."

Gov. Caswell's measures for carrying into effect the directions of the Assembly were so prompt and efficient, that the Assembly passed a resolution that "it entertains the highest sense of the upright, spirited and vigorous exertions of His Excellency in that behalf."

On the arrest of the prisoners, a grand Committee was raised, from among whom a sub-committee was appointed to examine the prisoners and to take depositions.

On December 9th the Houses met in joint session, with Elisha Battle in the chair to hear the report of the Committee which was voluminous and full. The report signed by Gen. Rutherford, Gen. Gregory, Col. William Polk and A. Neal, was explicit and had the clear ring of impartial investigation.

Henry Montfort, a member of the House, was implicated and given a day to defend himself from the charges, which he failed to do to the satisfaction of the House, and was expelled.

The Treasurer, Memucan Hunt, also, was required to appear before the Houses and was heard in his defence. His term was about to expire; and John Haywood was elected Treasurer in his place.

Finally, it was "Resolved, that the several persons apprehended and charged with the crimes of fabricating false accounts and being concerned in wrongfully and fraudulently procuring claims to be passed in the Commissioners' office of Army Accounts, be admitted to bail on giving proper security for their personal appearance at a Court of Oyer and Terminer to be held at Warrenton on the last Monday in January next, and also for the security and forthcoming of their respective estates and that the Clerk of this House be directed to deliver the depositions taken against such persons and all the papers relating thereto to the said Judges of the Superior Courts who are requested to proceed accordingly."

McKee in his Life of Iredell says: Indictments were speedily found against McCulloch and Montfort, and others of lesser note. The military and legislative services, the wealth, the social rank,

the influential connections of the commissioners, the array of attorneys renowned for eloquence and learning—all conspired to raise public expectation to the highest pitch. Alfred Moore was prosecutor: Iredell and Davie appeared for the defence. The profound interest of the public in the success of the prosecution, and the heavy stakes of the defendants—their fortunes and more than all their characters, stimulated the efforts of counsel to the greatest degree; and seldom in North Carolina has a more brilliant display of forensic power been witnessed. Montfort was acquitted; but McCulloch was convicted, sentenced to pay a fine of £4,000 and to be imprisoned twelve months in the Halifax jail. His advocates thought that through his whole trial he met with the greatest tyranny and injustice from two of the Court. The people of Warren spoke with the utmost horror and resentment of his sentence. At the same Court, Price, Butcher and Reid were convicted—the two former of presenting fictitious accounts, and the latter of signing blank accounts for pay. The moral result of the trial was most salutary; it vindicated the supremacy of the law, and the confinement of McCulloch in a rude and noisome cell where stench was intolerable, proclaimed to the world that in North Carolina, neither wealth nor influence could shelter any man from the penalties of crime.”

At the same session some antagonism of long standing between the bar and the bench came to an issue. There had been several publications made by some of the lawyers against the Court, and to some of them Judge Ashe had replied, all of the papers being signed with a *nomme de plume*. The object was to write the Judges off the bench; but in the controversy, it has been said, the lawyers got somewhat the worst of it.

Archibald Maclaine who was a prime mover in the matter being a member of the House now exhibited charges against the Judges. The allegations were that the Judges had suspended the operation of an Act of the Assembly; that they had given an illegal judgment in banishing two tories, Britt and McNeil; that they delayed the trial of causes by their disagreements on the bench; and that they did not attend court regularly. These charges were referred to a committee on the Administration of the Law, and the Judges were notified by the speaker of the House that they could attend and be heard in regard to the accusations,

Judges Spencer and Williams attended and made some verbal explanation before a joint session of the two Houses. Judge Ashe wrote a letter addressed to the Speaker of the House, excusing himself from attending. He said that he presumed that the Houses did not mean to go into a formal exercise of Judicial power; "nor can I go from member to member out of doors, assuring each of them in turn of my innocence, and thus endeavor to exculpate myself and do away with offences that never existed. This would be lessening myself and degrading that high character my country have been pleased to dignify me with. I cannot stoop to it. The measure itself would indicate guilt. In my judicial character I am righteous and therefore bold." He mentioned some of the charges that had come to his ears, and said as to that of holding the act of the legislature inoperative. "If my opinion of our Constitution is an error, I fear it is an incurable one; for I had the honor to assist in the forming it, and confess I so designed it; and I believe every other gentleman concerned did also." Regarding the banishment of Britt and McNeil, he said "they were objectionable Tories who went off with the British, and on their return the peace of the community was endangered. The Court imposed a small fine upon them and required them to depart from the State within sixty days and not to return until the pleasure of the Assembly should be known thereon. The Court thought that the peace of the community made the measure necessary, and that the law and treaty justified it. This is the foundation of that charge against the Judges, and I suppose it is considered among the Tories as a mighty achievement, a matter of great exultation and triumph that their champion dare stand forth, and in the face of the legislature accuse the judicial powers of the State for presuming to molest those respectable personages."

The Joint Assembly, having considered the various charges, took up each separately and found that the Judges had been guilty of no misdemeanor in office. And a resolution was adopted thanking them each by name "for their long and faithful services whilst they have been in that department." A resolution of thanks proposed in the Senate, however, made an exception to the effect that banishment was a punishment unknown to our laws: but the House struck that out. Thereupon protests were filed by Wm. R. Davie, Mr. Hay, Mr. Hooper and some others, that while they did

not think the Judges had been guilty of any misdemeanor, yet that the judgment in the cases of Britt and McNeil was illegal and an error.

Before the same Assembly was brought the subject of constructing the Dismal Swamp Canal, the State of Virginia having sent two Commissioners to request that North Carolina should join that State in the passage of a law, that would be irrevocable except by mutual consent, looking to the opening of the canal. But there was a suggestion that if the products of this State should be marketed through Virginia ports, by means of the canal, it would be detrimental to the foreign trade of our northern coast towns, and the subject was postponed until the next Assembly. In view of the inconvenience of having the public records kept at the homes of the several officers, the Legislature at this session took the first step toward having a permanent capital of the State. It directed the Treasurer and the Comptroller to open their offices at Hillsboro and to keep all of their records there, and their offices to be always open.

The condition of affairs in that part of the State west of the mountains, where the State of Franklin had been established by the residents, was still in chaos and anarchy.

The act ceding that territory to the General government, having been repealed, North Carolina asserted her dominion and purpose to govern it; but the Legislature of Franklin, having established courts that were adjudicating cases, and having levied taxes which their sheriffs were collecting, felt indisposed to abdicate and abandon their independence. It again appointed commissioners to attend the legislature of North Carolina and urge that the new State might be recognized. This appeal was not favorably considered, and Judge John Haywood was appointed a Judge and directed to proceed to the western counties and hold a court there.

But to add to the complications the growth of the western settlement had interfered with the Indians who now were alarmed lest they should be deprived of their hunting grounds, and Indian hostility began that rendered communication with the west very hazardous. Judge Haywood excused himself from executing his commission, since the danger to his life would at that time be so great. The subject of the western counties came up in the Assembly and Mr. Elisha Battle submitted a report to the effect that this State



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was "impressed with a sense of the sufferings of those people during the anarchy that has long prevailed among them, and that as their numbers and wealth will by no means enable them to support a separate government as yet, the Legislature cannot accede to a separation at this period, without abandoning a considerable number of her worthy citizens to ruin and distress." But the committee recommended an act of oblivion as to all offences and the restoration of the State's authority, with a promise to grant a separation whenever it should become expedient, &c.

In another year, all traces of Franklin were obliterated from the politics of the State.

*Walter Clark*

Raleigh, N. C., 1 May, 1900.



# THE STATE RECORDS OF NORTH CAROLINA.

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1786.

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JOURNAL OF THE SENATE COMMENCING THE 20TH NOVEMBER, 1786.

STATE OF NORTH CAROLINA,  
IN SENATE, NOVEMBER 20TH, 1786.

At a General Assembly begun and held at Fayetteville on the 20th day of November, in the year of our Lord, One Thousand Seven hundred and eighty six, and of the Sovereignty and Independence of the United States of America the eleventh, it being the first session of this Assembly.

The returning officers for several of the counties within the State certified that the following persons were duly elected to represent such Counties in the Senate, viz :

For Anson County—

Beaufort—John Bonner.

Bertie—

Brunswick—

Bladen—Thomas Brown.

Burke—

Craven—James Coor.

Cumberland—

Carteret—James Eaton.

Currituck—

Chowan—Jacob Jordan.

Camden—Isaac Gregory.

Caswell—Dempsey Moore.

Chatham—Ambrose Ramsey.

Dobbs—

Duplin—James Gillispie.

Davidson—

Edgecombe—Elisha Battle.

Franklin—  
Guilford—William Gowdy.  
Gates—  
Granville—Howell Lewis.  
Greene—  
Halifax—Benjamin McCulloch.  
Hertford—  
Hyde—  
Johnston—  
Jones—Frederick Harget.  
Lincoln—Robert Alexander.  
Moore—Phillip Alston.  
Martin—Nathan Mayo.  
Mecklenburgh—  
Montgomery—John Stokes.  
Northampton—  
Nash—Hardy Griffin.  
New Hanover—  
Onslow—  
Orange—William McCawley.  
Pasquotank—Thomas Relf.  
Perquimans—John Skinner.  
Pitt—John Simpson.  
Rowan—Griffith Rutherford.  
Rutherford—Edward Sharpe.  
Richmond—Charles Medlock.  
Rockingham—  
Surry—  
Sullivan—  
Sampson—Richard Clinton.  
Tyrrell—  
Washington—  
Warren—John Macon.  
Wayne—  
Wake—  
Wilkes—Benjamin Herndon.

Pursuant to which the following members appeared, presented

their Certificates, were qualified agreeably to law, and took their seats, viz :

Edward Sharpe, Jacob Jordan, Elisha Battle, John Skinner, Ambrose Ramsey, James Coor, Charles Medlock, John Armstrong, John Macon, William McCawley, Robert Alexander, Philip Alston, Dempsey Moore, John Simpson, John Bonner, Isaac Gregory, Jas. Whiteside, John Easton, James Gillispie, Thomas Brown, Nathan Mayo, Benjamin McCulloch, Hardy Griffin, Richard Clinton, Griffith Rutherford, Frederick Harget, Howell Lewis, John Stokes, Thomas Relfe, Benjamin Herndon & William Gowdy.

Gen'l. Rutherford proposed for speaker James Coor, Esq., who was unanimously chosen and placed in the Chair accordingly.

On motion, John Haywood was appointed Clerk, and Sherwood Haywood, assistant.

William Murphy and Nicholas Murphy, Doorkeepers.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

The House of Commons being now formed, acquaint you they are ready to proceed on the public business.

On motion, ordered that the following message be sent to His Excellency, the Governor, first being approved of by the House of Commons, to wit :

To His Excellency Richard Caswell, Esqr., Governor, Captain-General and Commander in Chief in and over the State of North Carolina.

SIR :

The General Assembly being now convened, are ready to take under consideration such public dispatches and other matters as your Excellency may have to lay before them.

Ordered that the following, with the foregoing message, be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate being likewise formed, are ready to proceed on public business, and propose that the message herewith sent you be presented to His Excellency the Governor. Should it meet your approbation, Mr. Macon and Mr. Skinner will, on the part of the House, attend and present him with the same.

On motion of Mr. Gillispie, seconded by Mr. Macon—

Resolved, That Gen'l Rutherford, Mr. Harget, Mr. Macon, Gen'l Gregory, Mr. McCawley, Mr. Eaton, and Mr. Brown be a Committee of Privileges and Elections.

Mr. Gillispie presented the Memorial of Henry Lightfoot, Esquire, which was read and referred to the Committee of Privileges and Elections.

Mr. Thomas Armstrong, the member for the county of Cumberland, appeared, presented his certificate, was qualified agreeably to Law, and took his seat.

Mr. John Herritage, the member for the county of Dobbs, appeared, presented papers declarative of his Election, was qualified agreeably to Law, and took his seat.

On motion of General Rutherford, seconded by Mr. Gillispie, Ordered that a writ of Election Issue to the County of Anson for Electing one member to represent said County in Senate, instead of Thos. Wade, Esqr., deceased, and that the said Election be held on the first Friday and Saturday in December next.

Mr. Battle presented sundry petitions from the Inhabitants of the Counties of Washington, Sullivan and Greene, which, being read, were referred to a special committee. The members chosen on the part of this House were Gen'l Rutherford, Mr. Skinner, Mr. Macon, Mr. Stokes, Mr. Battle, and Mr. Gillispie, and sent to the House of Commons.

On motion of Gen'l Rutherford, seconded by Mr. Macon—

Resolved, That the following rules of decorum be observed by the Senate during the present session of Assembly, viz.:

Firstly. When the Speaker is in the Chair, every member may sit in his place with his head covered.

Secondly. That every member shall come into the House uncovered, and shall continue so at all times, but when he sits in his place.

Thirdly. No member in coming into the House or removing from his place shall pass between the Speaker and any member speaking; nor shall any member go across the House or from any part thereof to the other, whilst another is speaking.

Fourthly. When any member intends to speak, he shall stand in his place, uncovered, and address himself to the Speaker, but shall not proceed to speak until permitted to do so by the

Speaker, which permission shall be signified by naming the member.

Fifthly. When any member is speaking no other shall stand or interrupt him, but when he has done speaking and taken his seat, any other member may rise, observing the rules.

Sixthly. When the Speaker desires to address himself to the House, he shall rise and be heard without interruption; and the member then speaking shall take his seat.

Seventhly. If more than one member attempt to speak at any time, the Speaker shall determine which was first up.

Eighthly. When any question shall be before the House and not perfectly understood, the Speaker may explain, but shall not attempt to sway the House by argument or debate.

Ninthly. No member speaking to be disturbed by coughing, spitting, conversation or otherwise; and whoever by speaking, hissing, or in any other manner, wilfully or carelessly, disturbeth or interrupteth any member on the floor, he shall answer it at the bar, and be liable to be censured by the Speaker.

Tenthly. He that digresseth from the subject to fall on the person of any member shall be suppressed by the Speaker.

Eleventhly. Exceptions taken to offensive words to be taken the same day they shall be spoken, and before the member who spoke them shall go out of the house.

Twelfthly. Whatever is spoken in the House may be subject to the censure of the House.

Thirteenth. Whenever any matter is in debate before the House, it shall be determined or postponed before any new business shall be introduced.

Fourteenth. No bill shall be read twice in the same day, unless upon some pressing emergency, where the good and safety of the State shall make it necessary.

Fifteenth. No heats or animosities shall be permitted in the House.

Sixteenth. No member shall speak more than twice, without leave, in the same question, unless it be in a committee of the whole House.

Seventeenth. No question shall be put on any motion unless seconded.

Eighteenth. Every member making any motion which is not of



course, shall, before making such motion, reduce the same to writing.

Nineteenth. If there shall be an equality of votes for and against any Question, the Speaker shall declare whether he be a yea or a nay ; but shall in no other case give his vote.

Twentieth. No member shall depart the service of the House without leave first obtained and signified by the speaker ; nor, having leave, shall stay longer than the time Limited, under the penalty of forfeiting his pay as a member, and being sent for to undergo the further censure of the House.

Twenty-first. Upon motion for an adjournment, no member shall presume to move until the Speaker rises and goes before.

Mr. Herritage presented the Memorial of William Lenoir, of Wilkes County, relative to the late election of said County, which was read and referred to the Committee of Privileges and Elections.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

In pursuance of a Resolve of the last Gen'l Assembly, we propose balloting at four o'clock this evening for four Engrossing and Committee Clerks, and nominate for the appointment Messrs. William White, Joshua Winslow, Curtis Ivy, Pleasant Henderson, Montford Stokes, John Franks, and John Simpson. Should you approve of this proposition, you will please signify the same by message.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

It is the opinion of the Senate that two clerks only, to do business out of doors, should be appointed. We agree to ballot at the time by you proposed and add to your nomination Mr. Joseph Dixon, and propose that this balloting be conducted at the House lately erected by Mr. Hogg in this town. Should you agree to ballot on these terms Mr. Macon and Mr. Skinner will on the part of this House superintend the same.

Mr. John Tipton the member for the County of Washington, appeared, presented his certificate, was qualified agreeable to law and took his seat.

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Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

This House have received and considered the message of yours, proposing that the number of clerks to be appointed by joint Ballot for the purpose of engrossing bills, &c., should not exceed two, with which they do not agree, but propose the number should be four agreeable to our former message, being convinced that there will be business to employ them. We agree to ballot at the place by you proposed and add Mr. Joseph Dixon to the nomination for clerks.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

From a belief that two clerks will be equal to the whole of the engrossing & Committee Business, this House cannot agree that a greater number be appointed.

Adjourned till to-morrow morning 10 o'clock.

Tuesday, November 21st, 1786.

The House met.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that a Committee on Finance be appointed to examine and report the state and nett Produce of our Revenues, and the amount and nature of the public Debts; who shall extend their enquiries into the present state of the Treasury, the application of the monies levied and collected in and for the years 1784, 1785 & 1786, and the use and application of the last one hundred thousand pounds emitted by this State, that they be authorized to call on His Excellency, the Governor, the Treasurer, the Comptroller General, the Commissioners of Army Accounts, the Commissioners for purchasing tobacco to discharge the interest of the Foreign Debt, the Commissioners of Confiscation, the Commissioners for superintending the press of the two last emissions, and all officers concerned in receiving Appropriating and Accounting for the public Monies or other persons and papers they may deem necessary to such investigation; that they report from time to time, and as soon as possible on such matters concerning the public monies or revenues as

may stand in need of immediate amendment or alteration; and also make up an estimate of the expences of the Foreign & incidental charges of the ensuing year; and that before the end of this session or as soon as possible, they form a full statement of the debts, funds and revenues of the State, which shall be printed and bound up with the laws enacted this Session, and that they be authorized to require the assistance of the Comptroller if deemed necessary in forming such statement. We have appointed for this purpose on our part Messrs. Davie, Blount, Polk, Spaight, Winslow, Sitgreaves and Hay. We also send you herewith a message received from His Excellency, the Governor, together with the paper therein referred to which so far as they relate to taxes, the Revenue and the Tobacco lately purchased, we propose referring to the Committee above mentioned the other papers we propose committing to the consideration of Messrs. Hamilton, Neale, Hawkins, Holland, Cabarrus, Davie, Hay, Sitgreaves, Roberts, Spaight, Polk and Willis, together with such gentlemen as you may think proper to appoint for that purpose. We also propose that the Committee on Finance call upon the Entry Taker of the Western Lands for all monies received by virtue of his office.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that a Committee of Finance be appointed for the several purposes, and with the like powers as by you expressed, and appoint for that purpose on the part of this House General Ramsey, Messrs. Harget, Battle, Brown, Stokes and General Gregory. We likewise appoint Messrs. Gillispie, Macon, Clinton, McCawley, Mayo, and Generals Rutherford and Simpson, who will act with the gentlemen by you named to consider and report on such part of the message from His Excellency, the Governor and the papers accompanying it which do not relate to Taxes, Revenue or the Tobacco lately purchased for the use of the State. It is also agreed by this House that the Committee on Finance call on the Entry Taker of the Western Lands as by you proposed.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen ;

We propose to ballot for three clerks to do the business of engrossing, &c., and hope the Senate will think that fewer cannot do

the business without prolonging the session. Should you agree to this proposition, the Commons will further propose to ballot before an adjournment.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We consent that three clerks to do the business of Engrossing, &c., be appointed and agree that they be ballotted for as by you proposed.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have on our part appointed Messrs. Dodd, Dickson, Dickens, Martin, P. Robertson, Phifer, D. Hall, I. Robertson, Creecy, Neale and Frohock a Committee of Claims who will act jointly with such of your body as you may appoint for that purpose.

Ordered that Messrs. McCullock, Clinton, Harget, General Rutherford and Mr. Gowdy act on this Committee and that the following Message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate appoint Messrs. McCullock, Clinton, Harget, Genl. Rutherford and Mr. Gowdy to act with the gentlemen by you appointed a Committee of Claims.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have appointed Messrs. Richardson, McKissick, Holmes, Taylor, McDaniel, Withrow, Fulford, Wyatt, Hawkins and Gardner to act with such gentlemen as you may appoint as a Committee of Propositions and Grievances.

Ordered that Messrs. Medlock, Lewis, McCawley, Alexander, Eaton, Moore and J. Armstrong act on this Committee and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate appoint Messrs. Medlock, Lewis, McCawley, Alexander, Eaton, Moore and J. Armstrong to act with the gentlemen by you chosen a Committee of Propositions and Grievances.

Mr. McCullock presented the Memorial and petition of M. Hunt, Esquire, Public Treasurer, which was read, referred to the Committee of Finance and ordered to be sent to the House of Commons.

Mr. Herritage presented the petition of Sundry of the Inhabitants of Dobbs County relative to the suggested misapplication of part of the late emission of paper Currency ; which was read, referred to the Committee of Propositions and Grievances and sent to the House of Commons.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose balloting for the Committee and Engrossing Clerks immediately. If this proposal meets your approbation you will signify the same by message. Mr. D. Hall and Mr. Frohock are appointed on the part of this House to superintend the balloting.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the Engrossing and Committee Clerks be immediately ballotted for, and have appointed Mr. Macon and Mr. McCulloch to superintend the balloting.

The General Assembly now proceeded to ballot, which being ended, Mr. Macon and Mr. McCulloch appointed on the part of this House to superintend the same, reported that having executed the business of their appointment, on casting up the scrolls or ballots it appeared that Mr. Curtis Ivey, Mr. Montford Stokes and Mr. Pleasant Henderson were chosen clerks to do the engrossing business and attend on the several Committees during the present session.

The House taking this report into consideration, Resolved, that they do concur therewith.

Mr. Benjamin Williams the member for the County of Johnston appeared, presented his certificate, was qualified agreeably to law and took his seat.

Mr. Gillispie presented an account of William Williams, late a Captain in the North Carolina Line, against the United States, which was read, referred to the Committee of Claims and sent to the House of Commons for their concurrence in such reference.

Mr. Herndon presented the Memorial of George McNeill which was read, referred to the Committee of Propositions and Grievances and sent to the House of Commons for their concurrence in such reference.

Mr. Zedekiah Stone the member for the County of Bertie, Genl.

Charles McDowell the member for the County of Burke, Mr. Burwell Moring the member for the County of Wayne, and Mr. Abraham Jones the member for the County of Hyde appeared, presented their certificates, were qualified agreeably to Law and took their seats.

On motion, Ordered, that Mr. Skinner have leave of absence during the remainder of this session, on account of the indisposition of his family.

Adjourned till to-morrow morning 10 O'clock.

Wednesday, November 22nd, 1786.

The House met.

Mr. Gillispie presented an account or claim of James Piercill, late Sheriff of Duplin, against the State, which was read, referred to the Committee of Claims and sent to the House of Commons for their concurrence in such reference.

Mr. Gillispie likewise presented the claim of John Barnhill against the State which being read was referred in like manner and sent to the House of Commons.

Mr. Armstrong presented the claim of Jacob Litel, late a soldier in the State Regiment which was read, referred to the Committee of Claims and sent to the House of Commons.

Genl. Rutherford presented a certificate granted the Honorable Alexander Martin, Esquire, setting forth that Adlai Osborne, Esquire, did in the year 1780 (he being the Governor of the State) act three months as his private secretary, for which no allowance has as yet been made Mr. Osborne; whereupon,

Resolved, That Adlai Osborne, Esquire, be allowed the sum of twenty-five pounds Currency for the service above mentioned, that the Treasurer pay him the same and be allowed. Sent to the House of Commons for concurrence.

Received from the House of Commons a Bill for settling the Titles and Bound of Lands. Endorsed in that House "read the first time and passed."

Ordered that this Bill be read, which being read was passed the first time and returned.

Received from the House of Commons the Memorial of Samuel Pitman, Endorsed by that House "read and referred to the Committee of Propositions and Grievances" which being read was referred in like manner and returned.

Received likewise the resignation of Nicholas Long, Esquire, of his appointment as commissioner of confiscated property in the District of Halifax, together with Certificates from the Comptroller declaring that Col. Long had finally settled and balanced his accounts as Commissioner aforesaid, which being read, Resolved, that his resignation be accepted, <sup>E</sup>

Received also the representation of John Macon, Esquire, on behalf of a negro man slave belonging to the estate of the late Samuel Yeargen of Warren County, deceased. Indorsed in that House "read and referred to Mr. Polk, Mr. Sitgreaves and Mr. Davie," which being read was on the part of the Senate referred to Mr. Macon and Mr. Alston and returned.

Received from the House of Commons the petition of the Executors of the last will and Testament of the late Joseph Hewes, Esquire, of Edenton. Endorsed, "read and referred to Messrs. Cabarrus, Phifer, Dauge, & Creecy." Which, being read, was on the part of this House referred to Mr. Jordan and Gen'l Gregory, and returned.

Received, likewise, the proceedings of a court held in the County of Chowan for the trial of Esther, the property of James Blount. Endorsed in the House of Commons. "Read and referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

Adjourned till Tomorrow morning 10 o'clock.

Tuesday, November 23d, 1786.

The House met.

Received from the House of Commons a bill for enabling certain persons to perfect a canal between Scuppernong River and the Lake, near its head. Endorsed in that House, "read the first time and passed." Ordered that this bill be read; which, being read, was passed the first time and returned.

Received by way of the House of Commons a Message from His Excellency the Governor, accompanied by sundry letters relative to the disposal of the public Tobacco, &c. Endorsed in the House of Commons, "read and referred to the Committee of Finance." Which, being read, were referred in like manner and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We cannot concur with you that the representation of Certain

Inhabitants of this State relative to the misapplication of the Bills of credit lately emitted should be referred to the Committee of Propositions and Grievances, but propose that the same be referred to the Committee of Finance, as all matters relative to that business are properly the subject of their consideration.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We consent that the representation of certain Inhabitants of this State relative to the misapplication of the Bills of Credit lately emitted be referred to the Committee of Finance, as by you proposed.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have added Messrs. P. Hawkins, Maclaine, Cabarrus and McKenzie to the Committee of Finance. We have also added Messrs. Maclaine and McKenzie to the Grand Committee.

Received likewise the petition of Winston Caswell and William White, Executors of William Caswell, deceased. Endorsed in the House of Commons, "read and referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

Received also the petition of Nathan Moseley. Endorsed, "read and referred to the Committee of Claims." Which was read and referred in like manner and returned.

Received from the House of Commons the Memorial of Mrs. Margaret Gaston. Endorsed, "read and referred to the Committee appointed to consider of the petition of John Macon, Esquire." Which, being read, was referred in like manner and returned.

Received likewise a bill for the better regulation of the town of Halifax and extending the liberties thereof. Endorsed, "read the first Time and passed."

Ordered that this bill be read ; which, being read, was passed the first time and returned.

Received also the Presentment of the Grand Jury of Morgan District, complaining of Sundry Grievances. Endorsed in the House of Commons, "read and referred to the Grand Committee." Which, being read, was referred in like manner and returned.

Received from the House of Commons the Claim of the Sheriff



of Burke County, and others, for having attended on, executed, &c., Thomas Jones and John Lynch, convicted of Feloniously Stealing Horses, at the Superior Court of Morgan District. Endorsed, "read and referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

Received likewise the resolution of this House in favor of Adlai Osborne, Esquire. Endorsed, "read and concurred with."

Received also the Memorial of George McNeill. Endorsed, "read and referred as by the Senate."

General Gregory, from the Committee of Privileges and Elections, delivered in the following Report, viz.:

Your Committee of Memorials and Elections, to whom was referred the Memorial of William Lenoir, Esquire, having taken into their consideration the said memorial and attended to the deposition and other Circumstances relating to the election of a Senator for the County of Wilkes, are of opinion that the said memorial, with the other papers produced on this occasion, be referred to the House for their determination thereon.

ISAAC GREGORY, Ch.

The House, taking this report and the papers alluded to into consideration, resolved that the election for a Senator in the County of Wilkes hath been illegally conducted; whereupon, ordered that a writ of election issue to the said County, and that a new election be had therein on the second Friday and Saturday in December next.

Received from the House of Commons a bill for cutting a canal from Currituck Sound to the Indian Ridge, and from thence to the head of North River, or as far as the Commissioners herein named shall think proper. Endorsed, "read the first time and passed."

Ordered that this bill be read; which, being read, was passed the first time and returned.

General Rutherford presented the representation and petition of James Holland, Esquire, which, being read, was referred to the Committee of Propositions and Grievances, and sent to the House of Commons.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We propose that a Committee consisting of members from both Houses be appointed to take under consideration Petitions, Memo-

rials, &c., and for that purpose we have appointed Messrs. Taylor, McDowell, Anderson, Hinton, Reading, Blount, Yancy, Copeland, Pearson, Stewart, Bonds, and Pugh.

Ordered that, on the part of this House, General McDowell, Messrs. Lewis, Mayo, Moore, Griffin, Stone, Tipton, and T. Armstrong act on this Committee, and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

General McDowell, Messrs. Lewis, Mayo, Moore, Griffin, Stone, Tipton, and T. Armstrong will, on the part of this House, act with the gentlemen by you appointed to consider of and report on Petitions, Memorials, &c., which may be laid before the Assembly.

Received from the House of Commons the petition of the Inhabitants of Davidson County. Endorsed, "read and referred to the Grand Committee on the State papers." Which, being read, was referred in like manner and returned.

Received likewise the claim of William Boggan and the claim of Morgan Brown, respectively. Endorsed, "read and referred to the Committee of Propositions and Grievances." Which, being read, was referred in like manner and returned.

Received also the petition of sundry of the Militia Officers of Wilkes County. Endorsed in the House of Commons, "read and referred on the part of the House to Messrs. Hamilton, McDowell, Nance, Withrow, and Martin." Which, being read, was on the part of the Senate referred to Mr. J. Armstrong, General Ramsey, Mr. Gillispie, General Simpson, & General McDowell, & returned.

Received also the Memorial of P. Henderson in behalf of the acting Executors of the last will and Testament of Richard Henderson, Esquire, deceased. Endorsed in the House of Commons, read and referred to the Committee of petitions and memorials, which being read, was referred in like manner and returned.

Adjourned 'till to-morrow 10 o'clock.

Friday, November 24th, 1786.

The House met.

Mr. Henry Hill, the member for the county of Franklin, and Mr. Joseph Riddick, the member for the County of Gates, appeared produced their certificates, were qualified agreeably to law and took their seats.

Received from the House of Commons the Representation and petition of James Holland, Esq. Endorsed, "read and referred as by the Senate."

Received likewise the following message :

Mr. Speaker and Gentlemen :

We propose that the Committee of Finance be directed to consider of and report whether or not it was the intention of the act directing a tax of 1/ 6d on each Taxable Pole, &c., to be collected for the current year on the foundation of an act passed in the year 1784 imposing what is commonly called the "Continental Tax," that the same should be collected wholly in money or partly in money and partly in Certificates as allowed of in the case of the General Public tax of the State.

Ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate agree that the Committee of Finance report on that which is commonly called the Continental Tax as by you proposed.

Received from the House of Commons the Bill for enabling certain persons to perfect a Canal between Scuppernong River and the lake near its head. Endorsed, read the second time, amended and passed.

Ordered that this bill be read, which being read, was on motion of Mr. Williams by him withdrawn for amendment.

Received from the House of Commons the Memorial of William Armstrong. Endorsed, "read and referred to the Committee of petitions and Memorials," which being read, was referred in like manner and returned.

Mr. McCulloch presented the petition of Mr. John Justice, Executor of the last will and testament of James Allen, deceased, late of Halifax county, which being read, was referred to the Committee of Petitions and Memorials, and sent to the House of Commons.

Mr. Lewis presented the claim of William Webb and Conyers White, which being read, was rejected.

Read the petition of James Blair and others praying to be released from the forfeiture of their Recognizance entered into for the appearance of a certain Thomas Powel at the Superior Court of Law and Equity for the District of Morgan.

Whereupon, resolved, that whereas it appears to this General Assembly from sundry affidavits as well as from a certificate from the Honorable Samuel Spencer, Esquire, Judge of the said Court, that the forfeiture of the said Recognizance above alluded to, and which was obligatory on James Blair, Nebuzaradan Coffee, Ambrose Powell and Benjamin Powell, ought not of right and in Justice to take place because the same hath been occasioned by an omission of the late Clerk of that Court, who failed to enter of record the discharge of said securities when they actually surrendered the principal into Custody, the said James Blair, Nebuzaradan Coffee, Ambrose Powell, and Benjamin Powell, and every one of them be and they are hereby released and forever discharged from the forfeiture aforesaid. Sent to the House of Commons for concurrence.

On motion of Mr. Gillispie seconded by Mr. Macon Resolved that Henry Montfort, Esquire, be required to send for the books and other papers belonging to the Commissioner's office for settling army accounts, &c., for the perusal of this General Assembly without delay, and that Colonel Guilford Dudley, of Cumberland County, be, and he is hereby directed, to furnish Mr. Montfort with a file of Twelve men for the protection of said books and papers while on the road. Resolved, further, that Mr. John Craven, Clerk of the Board of Commissioners for settling army accounts, be & he is hereby required forthwith to attend and personally appear before this General Assembly.

Sent to the House of Commons for their concurrence.

Received from the House of Commons the Bill for the better regulation of the town of Halifax, and extending the liberties thereof. Endorsed, "read the second time, amended and passed."

Ordered that this bill be read, which being read, was passed the second time and returned.

Received likewise a bill for erecting a town on the lands of Matthew Figures, in Northampton County, on the South side of Meherrin River. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

Received also the Petition of William Moore, the Sheriff of Burke County. Endorsed in the House of Commons, read and referred to

the Committee on Petitions and Memorials, which being read, was referred in like manner and returned.

Received likewise the petition of William Greaves and Elijah Hunter. Endorsed in the House of Commons, read and referred to the Grand Committee who are to be specially instructed to enquire into the present modes of administering the laws of the State and to report thereon, which being read, was referred in like manner and returned.

Received also the resolve of this House of to-day relative to the books and papers belonging to the Commissioner's office for settling Army Accounts. Endorsed in the House of Commons, "read and concurred with."

On motion of Mr. Gillispie seconded by General Rutherford Resolved that whereas it is absolutely necessary that every information be had, which may tend to the investigating the supposed abuses in the office of the Commissioners of Army Accounts. Resolved, that Nathan Cobb, Hardy Robertson, Willis Pipkin, William Andrews, Mann Philips, William Phelps and Moses Holmes, of Dobbs County, and Thomas Jordan, of Sampson County, be, and they and every one of them are hereby required forthwith to appear and personally attend on this General Assembly in order to give in Testimony such matters and things as they may know touching the premises. Resolved, further, that all necessary expenditures arising herefrom shall be paid out of the public treasury.

Sent for Concurrence.

Received from the House of Commons a bill for establishing a town on the lands of Robert Burton, Esquire, in the County of Granville. Endorsed in the House of Commons, read the first time and passed.

Ordered that this bill be read, which being read, was passed the first time and returned.

Received likewise by way of the House of Commons, a message from His Excellency, the Governor of this date. Endorsed in the House of Commons "read and referred to the Grand Committee," which being read, was referred in like manner and returned.

General McDowell presented the petition of Michael Hartsel, of Burke County, which being read, was rejected.

Mr. Stone presented the resignation of Thomas Ward as one of

the Justices of the Peace for Bertie County, which was read, accepted and sent to the House of Commons.

Mr. Griffin presented the resignation of Joseph Williamson, of Nash County, as one of the Justices of the Peace for the said County, which was read, accepted and sent to the House of Commons.

Received from the House of Commons the petition of Mr. John Justice, of Halifax County. Endorsed in the House of Commons, "read, and referred as by the Senate."

Received likewise a resolve in favor of William Aldridge, which being read, was concurred with and returned.

Read the application of John Vickers setting forth that his House was destroyed by fire in the year 1782 or 1783 in consequence of which he lost an Auditor's certificate granted in his own name for twenty-two pounds or thereabouts, whereupon,

Resolved, that the Comptroller examine the Auditor's books for the District of Hillsborough, and upon ascertaining the exact amount of the certificate aforesaid, that he make out and deliver the said Vickers another of the like sum and of the like number and date. Sent for concurrence.

Mr. Stone presented the resignation of Reuben Norfleet as one of the Justices of the Peace for Bertie County, which was read, accepted and sent to the House of Commons.

On motion of Mr. Herritage, ordered that he have leave of absence for a few days.

Adjourned 'til to-morrow morning 11 o'clock.

Saturday November 25th, 1786.

The House met.

Received from the House of Commons the following message :  
Mr. Speaker and Gentlemen :

This House cannot concur with the resolve of the Senate on the petition of James Blair and others, but propose that the petition on which that resolve was founded be referred to the Grand Committee.

This message being read, ordered that the following be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the petition of James Blair and others, now before this Assembly be referred to the Grand Committee as by you proposed.

On motion of Mr. Macon, seconded by Mr. Battle, Resolved that Mr. John Craven, of Warren county, be requested to attend this present Assembly in order to give his assistance in re-examining the accounts of the Officers and Soldiers of the Continental line of this State, and that Captain John White be requested to deliver a copy hereof to said Craven.

Sent to the House of Commons for their concurrence.

Received from the House of Commons the resolve of this House requiring the attendance of Mr. John Craven on this Assembly. Endorsed, "read and concurred with."

General McDowell presented the petition of Conrad Hildebrand, which being read, was rejected.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

The message herewith sent you addressed to His Excellency, the Governor, we propose to be presented him, if it meets with your concurrence. We have appointed Mr. Winslow and Mr. Hawkins to attend and present the same.

The message referred to, being read, was objected to, whereupon Resolved, that the following be presented to His Excellency, the Governor, first having obtained the approbation of the House of Commons, to wit :

To His Excellency Richard Caswell, Esquire, Governor, Captain-General, &c :

SIR :

The General Assembly are now sitting and request Your Excellency to favor them with such further information as you may be possessed of relative to supposed abuses in the office of the Commissioners for settling Army Accounts.

Ordered that the foregoing, together with the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

With this you will receive a message addressed to His Excellency the Governor, which by this House is proposed to be presented him instead of that sent us from your body on the same head and of this date. Should it meet your approbation, Mr. Lewis and Mr. McCawley will on the part of the Senate attend and present him with the same.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the address herewith sent you be presented to His Excellency in lieu of the one proposed by your Body.

The message referred to being read was agreed to, whereupon ordered that the following be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have concurred with the message by you last proposed to be presented to His Excellency the Governor.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that a Conference of the two Houses be immediately had in the room where the House of Commons sit, on the subject of the abuses suggested to have been committed on the Treasury of the State.

Ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We consent that a conference of the two Houses be immediately had as by you proposed.

On motion of Mr. Harget, seconded by Mr. Gillispie, Resolved, That whereas it hath been presented to this General Assembly that John Price, John McNees, Thomas Butcher, William Faircloth, Benjamin Shepperd, John Sheppard, Timothy McCasky Simon Totevine, Thomas Price, John Faircloth and Sherrod Barrow of Dobbs County ; William Saunders of Caswell County and John Marshall, formerly of Warren County and sundry other persons in those and the neighboring Counties have been guilty of many fraudulent practices in procuring accounts to be passed by the Commissioners for Liquidating Army Accounts, and on the passing the same have obtained Certificates and received money from the public Treasury to the great injury of individuals as well as manifest fraud to the State ; therefore,

Resolved, That the Justices of the Peace for the said Counties, or any other County in which any such suspected persons reside be, and they are hereby directed to issue their warrants for apprehending the above named as well as all other suspected persons, and to



cause them to be brought before them, together with such witnesses as they may judge necessary, and if on examination it shall appear to them, that the said persons or any of them, shall have been guilty of any of the offences charged on them as aforesaid ; they shall forthwith commit him or them to the custody of the sheriff of the County, who is hereby required without delay to convey such person or persons to the Town of Fayetteville to be further dealt with as the General Assembly may direct.

Resolved also, That the Governor be directed to order such and so many of the Militia as he may judge necessary to aid and support the Sheriffs or other proper officers in the execution of this Resolve, and report his proceedings herein to this Assembly.

Resolved further, That the Sheriffs of each and every County within this State be, and they are hereby required and strictly commanded to take in their possession, all the horses and Negroes belonging to persons of their Counties who shall be committed by any Justice of the Peace for having been guilty of the fraudulent practices above mentioned and detain the same until such persons are discharged by lawful authority. Sent for concurrence.

General Rutherford from the Committee to whom was referred the Petition of sundry of the Inhabitants of Wilkes County, delivered in the following report, vizt:

The Report of the Committee on the Petition of sundry of the Inhabitants of Wilkes County :

Your Committee having duly considered the premises respecting the petitions of the Officers, &c., of Wilkes County and after examining the several papers having reference thereto and hearing the Representation of Major Franklyn are of opinion that Benjamin Herndon, Esquire, is entitled by Seniority to the Commission he now bears as Colonel of the Wilkes Regiment of Militia. All which is submitted.

GRIFFITH RUTHERFORD, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the following message :  
Mr. Speaker and Gentlemen :

This House are now waiting for the Senate in order to hold a conference as agreed by the two Houses.

The Senate now proceeded to the Room in which the House of Commons sat. When both Houses being assembled in conference, made choice of Richard Dobbs Spaight, Esquire, for Chairman; Mr. Hay then opened the business of this Conference, and after some time spent therein in debate, it was resolved, that sundry resolutions relative to the supposed frauds committed on the Treasury of the State by a number of the Inhabitants of Dobbs and other Counties, should be proposed to the respective Houses for their concurrence, (for which see the Commons Journal of this day).

The Senate then retired to their Room.

Mr. Hill presented the resignation of Sam'l High as one of the Justices of the Peace for Franklin County, which was read, accepted and sent to the House of Commons.

Received from the House of Commons sundry resolutions of this date entered into and agreed on by the two Houses when in Conference; which were read, concurred with and returned.

General Rutherford presented the Memorial of George Doherty, Esquire; which was read, referred to the Committee on Memorials and Petitions and sent to the House of Commons.

Adjourned till Monday morning 9 O'clock.

Monday, 27th November; 1786.

The House met.

Mr. George Mitchell the member for the County of Onslow appeared, presented his certificate, qualified agreeably to law and took his seat.

General McDowell presented the petition of Robert Johnson, now lying in the jail of Morgan District, which being read was rejected.

Mr. Stokes presented the Memorial of Howell Lewis, Esquire, of the County of Granville, on behalf of the overseers of the poor of said County, which being read,

Mr. Lewis moved for leave and presented a bill to empower the overseers of the poor in the County of Granville to sell the Glebe in said County, which was read the first time, passed and sent to the House of Commons.

General McDowell presented the petition of Elizabeth Riley now lying in jail, which being read was rejected.

Mr. Williams according to order presented the Bill for enabling certain persons to perfect a canal between Scuppernong River and

the Lake near its head, as by him amended, which being read with the amendments was passed the second time and ordered to be engrossed.

Mr. Harget presented the petition and Claim of Mr. George Farragut, late a Captain in the State Cavalry, which being read it was on motion of Mr. Williams seconded by Mr. Gillispie, Resolved as follows, vizt.:

Resolved, That Mr. George Farragut late a Captain in the Cavalry of the State Regiment of North Carolina, be allowed the sum of sixty-eight pounds eight shillings and four pence current money, being the one fourth part of the sum which appears by his account rendered to be due Mr. Farragut, for and on account of his Military service performed in this State. That the Treasurer pay him the same and be allowed in the settlement of his public accounts.

Resolved, also, That the Comptroller issue to Mr. George Farragut a Certificate for the other three-fourths of the sum due him; and, Resolved, likewise, that this General Assembly are led to adopt the measure, from a conviction of the faithful, voluntary and public spirited services of the said Mr. Farragut, he being a native and Subject of the Kingdom of France.

Sent for concurrence.

This Resolution being objected to, on motion of Mr. Macon, seconded by Mr. Clinton, ordered that the yeas and nays be taken thereon, which were as follows, to-wit: In favor of the Resolve—Messrs. Sharpe, Ramsey, Tipton, J. Armstrong, Alexander, Simpson, Eaton, Gillispie, Brown, McCulloch, Rutherford, Harget, Gowdy, Stone, Williams, McDowell, Moore, Bonner, Gregory, Griffin, Stokes, Moring, and Jones—22. Against the Resolve—Messrs. Battle, Medlock, Macon, McCawley, Whiteside, Mayo, Clinton, Reddick, Hill, Lewis, and Mitchell—11. So the resolution was entered into and sent to the House of Commons.

Received from the House of Commons the Memorial of George Doherty, Esqr. Endorsed, “read and referred as by the Senate.”

Received also the resignation of Joseph Williamson, Reuben Norfleet, Thomas Ward, and Samuel High, as justices of the peace, respectively. Endorsed, “read and accepted.”

Received likewise the petition of the administrators and Orphans of Thomas Bell, deceased, late of the County of Wake. Endorsed in the House of Commons, “read and referred to a special Commit-

tee. The members chosen are 'Messrs. Hooper, Hall and Lewis.' Which, being read, was on the part of this House, referred to Messrs. Stokes, Tipton, and Macon, and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We have added Messrs. Hooper and I. G. Blount to the Grand Committee, and Mr. Hooper to the Committee of Finance.

Mr. Macon moved for leave and presented a Bill for erecting an Academy at the Town of Warrenton, in the District of Halifax, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons a bill to amend an act entitled "an Act for the regulation of the Town of Salisbury, in the County of Rowan." Endorsed, "read the first time and passed."

Ordered that this bill be read ; which, being read, was passed the first time and returned. \*

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

This House have resolved that they will go into a Committee of the whole for the purpose of considering what Bills of a General and Public nature are to be prepared and introduced by the Grand Committee, in order to be passed into Laws at the Present Session.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have received your message proposing a Committee of the whole of the two Houses immediately, with which proposition we do not concur, but agree that such Committee be formed Tomorrow morning at nine of the clock, in the room where the late Conference of the General Assembly was held.

Received from the House of Commons the accounts of John Whitaker, Esquire, Commissioner for purchasing Tobacco in the District of Halifax. Endorsed, "read and referred to the Committee of Finance." Which, being read, were referred in like manner and returned.

General Gregory moved for leave and presented a Bill for Levy-

ing a further Tax of \* \* on every hundred acres of Land and \* \* on every Poll in the County of Camden, for defraying the Expense of completing the public building thereof; which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the report of the Committee to whom was referred the petition of sundry of the Inhabitants of Wilkes County. Endorsed, "read and concurred with."

Received likewise by way of the House of Commons a Message from His Excellency the Governor, enclosing the Petition of Alexander McIver and others. Endorsed in the House of Commons, "read and referred to the Grand Committee." Which, being read, the petition of Mr. McIver was referred as by the House of Commons and returned; and the petition of Donald Shaw being read, was rejected.

Received from the House of Commons the petition of Nathaniel Tooly and James Lockhart, respectively. Endorsed, "read and referred to the Committee of Memorials and Petitions." Which, being read, were referred in like manner and returned.

Received likewise the memorial of Robert Rowan, Esquire. Endorsed, "read and referred to the Committee of Finance." Which, being read, was referred in like manner and returned.

Received also the Petition of John Ramsey and the Affidavit of R. Leary. Endorsed, "read and referred to the Committee of Propositions and Grievances." Which, being read, were referred as by the House of Commons and returned.

Received likewise the petition of John and Elizabeth Nelson. Endorsed in the House of Commons, "read and referred to the Grand Committee." Which, being read, was on motion of Mr. Battle, seconded by Mr. Clinton, rejected.

Received from the House of Commons a Report from the Committee of Claims, together with a resolution of that Body consequent thereon, which, being read, were rejected.

The Honorable the Speaker laid before the House a letter from the Reverend Mr. Andrews and John Cowper, Gentlemen deputed by the State of Virginia to attend the Assembly of this State on the subject of cutting a canal from the Waters of Elizabeth River, in that State, to the Waters of Pasquotank River, in the State of North Carolina, which was read and ordered to lie on the Table.

Received from the House of Commons the Bill for establishing a

Town on the lands of Robert Burton, Esquire, in the County of Granville. Endorsed, "read the second time, amended and passed."

Ordered that this bill be read ; which, on being read, was on motion of Mr. Lewis by him taken out to amend.

Received also the following bills, to-wit.:

A Bill for establishing a Town on the lands of Andrew Bass ; and a Bill for establishing a Town on the lands late the property of William Petty, adjoining Chatham Court-house, as laid off by the Trustees named in the Act of the last Assembly, entitled "an Act for establishing a Town on the land of Mial Scurlock, deceased, in Chatham County ; for appointing Commissioners for the regulation of the Town and repealing said Act," respectively. Endorsed in the House of Commons, "read the first time and passed."

Ordered that these bills be read ; which, being read, were passed the first time and returned.

Received also the Bill for the better regulation of the Town of Halifax and extending the liberties thereof, and for altering the mode of Laying and Levying Taxes in the Town of Edenton. Endorsed in the House of Commons, "read the third time, amended and passed."

Ordered that this bill be read ; which, being read, was passed the third time and ordered to be engrossed.

Adjourned till Tomorrow morning 9 o'clock.

Tuesday, November 28th, 1786.

The House met.

Mr. James Harris, the member for the County of Mecklenburg, appeared, presented his certificate, was qualified agreeably to Law, and took his seat.

Received from the House of Commons the resolution of this House of yesterday in favor of Mr. George Farragut. Endorsed, "read and concurred with."

Received likewise the following message :

Mr. Speaker and Gentlemen :

We agree that the two Houses form into a Committee of the whole, as by you proposed.

The House now proceeded to the Conference Room, where the two Houses being convened, formed themselves into a Committee of the whole, and made choice of Elisha Battle for Chairman. The

Committee then resolved that they would submit to the General Assembly the propriety of passing the following bills into Laws, to-wit. : (See the Commons Journal of this day.)

The Senate then retired to their room.

Mr. James Galloway, the member for the County of Rockingham, appeared, presented his certificate, was qualified agreeably to Law, and took his seat.

General Rutherford presented the petition of John Augustine De Racan, which, being read, was referred to the Committee of Propositions & Grievances, and sent to the House of Commons.

On motion of Mr. Stokes, seconded by Mr. Stone, ordered that Mr. Galloway be added to the Committee of Propositions and Grievances, and that the House of Commons have notice hereof by the following message :

Mr. Speaker and Gentlemen :

We have added Mr. Galloway to the Committee of Propositions and Grievances.

Mr. Clinton moved for leave and presented a bill to Impower the County Court of Sampson to levy a further tax on the Inhabitants in said County for defraying the expence of building the Court House, prison and Stocks in the same, and for defraying the contingencies of said County, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the representation and petition of a number of the Inhabitants of Orange County, accompanied by a memorial of Samuel Strudwick, Esquire. Endorsed in the House of Commons, "read and referred to a joint Committee. The members appointed on the part of this House are Messrs. P. Hawkins, Maclaine, Martin, John Taylor, Phifer, Hay, McDowell, and Hamilton." Which, being read, were on the part of this House referred to General Rutherford, Messrs. Gowdy, Brown, Galloway, and McCawley, and returned.

Received likewise the petition of Walter Allen, of Craven County. Endorsed in the House of Commons, "read and referred to the Committee of Memorials and Petitions." Which, being read, was referred in like manner and returned. Received also the petition of the Inhabitants of the Town of Fayetteville in behalf of themselves, as those persons who were immediately prosecuted on Information of

Thomas Calvin and Mary Brown at the Superior Court for the District of Wilmington, in December, 1785. Endorsed in the House of Commons, "read and referred to the Grand Committee." Which, being read, was referred in like manner and returned.

Received likewise the petition of James Greenlee. Endorsed in the House of Commons, "read and referred to the Committee on Petitions and Memorials." Which, being read, was referred in like manner and returned.

Received also the Record of the Trial of a Negro man slave named Sam, the property of John Lindsay, of Halifax. Endorsed in the House of Commons, "read and referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

Mr. Stokes moved for leave and presented a Bill to empower the County Court of Richmond to levy a tax for building a prison for said County and appointing Commissioners to contract for building the same, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the petition of Matthew Rassel and others, Endorsed, "read and referred to the Committee appointed to consider of the representation of certain Inhabitants in Orange County" which being read was referred as by the House of Commons and returned.

Received also the petition of Isaac Davenport, Jonathan Phelps & John Davenport, endorsed in the House of Commons "read and referred to the Committee of Propositions and Grievances," which being read was referred in like manner and returned.

Received likewise the resignation of Joseph Wyatt as one of the Justices of the Peace for Tyrrell County, and the resignation of George Powers as one of the Justices of the Peace for ——— County respectively, Endorsed "read and accepted" which being read was accepted and returned.

Adjourned till Thursday morning 9 O'clock.

Thursday, November 30th, 1786.

The House met.

Received from the House of Commons the report of the Chairman of the Committee of the two Houses of Tuesday last, recommending that Sundry Bills be passed into Laws by the present General Assembly. Endorsed in the House of Commons, "read and concurred



with," which being read, was concurred with by this House and returned.

Received also a Bill erecting a town on the lands of Matthew Figures in Northampton County, on the South side of Meherrin River. Endorsed in the House of Commons, "read the second time and passed."

Ordered that this bill be read, which being read, was amended, passed the second time, and sent to the House of Commons.

Received likewise a bill for erecting a town on the lands of William Murfree, in Hertford County. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read, which being read, was amended, passed the first time and returned.

On motion of General Gregory the House moved the Consideration of the Bill for cutting a Canal from Currituck Sound to the Indian Ridge, and from thence to the head of North River, or as far as the Commissioners herein named shall think proper; which being read was passed the second time by this House and returned to the House of Commons.

Mr. Brown presented the Representation and petition of Griffith John McRee, Esquire, Commissioner of Confiscated property for the District of Wilmington, which being read, was on motion of Mr. Brown seconded by Mr. Gillispie, referred to the Committee of Finance, and sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the Bill to empower the overseers of the poor in the County of Granville to sell the Glebe in said County. Endorsed in the House, "read the first time, and passed."

Ordered that this bill be read, which being read, was amended, passed the second time and returned.

Received also the following message :

Mr. Speaker and Gentlemen :

We have added to the Committee on Finance Messrs. Dickens, Sawyer, Vance, Holland, Neale, Humphries of Currituck, and Frohock. We have also added Messrs. McDowell, Phillips, Creecy, Plifer, Perkins, Whitfield and Sawyer, to the Grand Committee.

This message being read, it was ordered that Messrs. Gallaway,

Mitchell and Eaton be added on the part of this House to the Committee of Finance, and Messrs. Stokes, Lewis, Gallaway, McCulloch and General McDowell, to the Grand Committee, and that the following be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have received your message informing of the addition made by your House to the Committee of Finance, and to the Grand Committee, pursuant to which we have likewise added to the Committee of Finance Messrs. Gallaway, Mitchell and Eaton, and to the Grand Committee of Messrs. Stokes, Lewis, Gallaway, McCulloch and General McDowell.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have appointed Messrs. Wyatt, Hawkins and Frohock, a Committee on the part of this House to enquire how far the late Act entitled "An act to ascertain the number of white and black Inhabitants and the Citizens of every age and condition in the State" has been carried into effect who are to report the same in as short a time as possible.

Ordered that Messrs. Moring, John Armstrong and Harris, on the part of this House, act on this Committee, and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

Messrs. Moring, John Armstrong and Harris, will on the part of this House act with the gentlemen by you appointed to enquire and report how far the Act of Assembly entitled "an Act to ascertain the number of white and black inhabitants and the Citizens of every age and condition in the State" has been carried into effect.

Received from the House of Commons the resignation of William M. Gregory as one of the Justices of the Peace for the County of Montgomery. Endorsed, "read and accepted," which being read was accepted by this House and returned.

Received likewise the recommendation of Field Officers for the County of Wilkes. Endorsed in the House of Commons, "read and agreed to."

Mr. Hill presented the memorial and petition of Angelica Wilton, of Franklin County, which being read, was referred to the Com-

mittee of Petitions and Memorials and sent to the House of Commons.

On motion of Colonel Brown, ordered that he have leave of absence for a few days.

Adjourned 'till to-morrow morning 9 O'clock.

Friday, December 1st, 1786.

The House met.

General Gregory from the Committee of Privileges and Elections delivered in the following report, vizt :

Your Committee to whom was referred the Memorial of Henry Lightfoot, Esquire, after duly considering the matter and things contained therein, and also of the allegations set forth in the Deposition of George Glascock, and after hearing the representation of Captain Coxe, a member of the present General Assembly, find that Mr. Philip Alston stands indicted at the Superior Court of the District of Wilmington for murder, and that he is now bound by his securities to appear at the ensuing term, that the election or statement of the Poll stands as represented in the Memorial aforesaid. It also appears to your Committee by the affidavit of George Glascock, that the said Alston did make use of sundry threats that if Henry Lightfoot aforesaid should be elected in preference to him, he would raise a riot, but your Committee do not find that any was raised. It further appears to your Committee that the said Philip Alston hath frequently declared that he believed there was no God, and that the Scriptures were set forth as a Scare-Crow to children, and that he endeavored to corrupt the conductors of the election. This your Committee have thought proper to state, and leave it to the honorable House to determine thereon.

ISAAC GREGORY, Ch'n.

The House taking the foregoing report into consideration, Resolved, that Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, that his seat therefore be vacated, and that a writ of election issue to the county of Moore for the electing some person properly qualified so sit and vote in this House, and that such election be held on Friday and Saturday the 15th & 16th days of December instant.

Received from the House of Commons the petition from Washington, Sullivan and Greene counties. Endorsed in the House of Commons "read and referred on the part of this House to Messrs.

Scott, Davie, Hawkins, White, Phifer, Polk, Hutchings, Pearson and Lewis."

Received also the petition of Griffith T. McRee, Esquire. Endorsed in the House of Commons, "read and referred as by the Senate."

Received likewise the account of Capt. William Williams against the United States. Endorsed in the House of Commons, "referred as by the Senate."

Received from the House of Commons the petition of John Simpson, Esquire. Endorsed in that House, "referred to the Committee of Claims" which being read, was referred in like manner and returned.

Received likewise the petition of John Augustine de Racan. Endorsed, "read and referred as by the Senate."

Received also a warrant from the late Governor Martin in favor of Mr. Josiah Collins, merchant of Edenton. Endorsed in the House of Commons, "read and referred to the Committee of Claims" which being read, was referred in like manner and returned.

Received from the House of Commons the record of the trial of a negro man slave named Peter, the property of Moore Knight of Halifax county. Endorsed in that House, "read and referred to the Committee of Claims," which being read, was referred in like manner and returned.

Received likewise by way of the House of Commons an application from the public Treasurer to the General Assembly for their direction as to his receiving certain warrants granted by the Governor to Col. Long. Endorsed in that House, "read and referred to Messrs. Sitgreaves, P. Hawkins, Franklin, Hooper and Bloodworth," which being read, was on the part of this House, referred to General Ramsey, General Rutherford, Mr. Gillispie and Mr. Riddick and returned.

Received also by way of the House of Commons a letter from the Rev. Robert Andrews, of Virginia, enclosing sundry papers tending to establish a claim for and in behalf of the heirs of the late William Byrd, of that State, to certain lands on Cumberland river. Endorsed in the House of Commons, "read and referred to Messrs. Polk, Hutchings and Sitgreaves," which being read, were on the

part of the Senate, referred to General Rutherford and Messrs. Tipton, Stokes, Bledsoe and Williams and returned.

Received from the House of Commons the Memorial and petition of Angelica Wilton. Endorsed in the House of Commons, "read and referred as by the Senate."

Received likewise the Petition of sundry of the people called Quakers, relative to the liberation of slaves. Endorsed in the House of Commons, "read and referred to the Grand Committee," which, being read, was referred in like manner and returned.

Mr. Medlock moved for leave and presented a Bill to amend an Act passed at New Bern in December, 1777, entitled "an Act directing the method of Electing Members of the General Assembly, and other purposes," which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the record of the Trial of a Negro, the property of Reuben Grant, of Onslow County. Endorsed in that House, "read and referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

General Rutherford presented the Petition of the Rev. James Tate, of Wilmington, which was read and referred to the Committee of Propositions and Grievances.

Received from the House of Commons the Resolution of this House of the 24th Ult. in favor of John Vickers. Endorsed "read and concurred with."

Received likewise the recommendation of Bladen County Court for allowing Sarah Surgeoner the sum of Fifteen pounds, for the year 1786. Endorsed in the House of Commons, "read and agreed to." Which, being read, was agreed to by this House and returned.

Mr. Medlock presented a Petition from sundry of the inhabitants of Bladen County, praying a division of the said County, which, being read—

Mr. Medlock moved for leave and presented agreeably to the prayer of the said petition "a Bill for dividing the County of Bladen, which was read the first time, passed and sent to the House of Commons.

Adjourned till Monday morning 9 O'clock.

Monday, December 4th, 1786.

The House met.

Mr. Macon, from the Committee to whom was referred the petition of the administrators of Thomas Bell, deceased, delivered in the following report :

Your Committee to whom was referred the Petition of the Administrators of Thomas Bell, deceased, report :

That it appears to your Committee the said Thomas Bell was before his death a Merchant, who carried on very considerable dealings; that at the time of his death large sums to the amount of Fourteen thousand pounds, exclusive of debts due by bond, which were also considerable, were due and owing to the said Thomas and have never been collected, or at most, but a very inconsiderable part thereof have been collected since his death.

It appears to your Committee that the Books and papers testifying these debts were taken into the possession of Mr. Hall, attorney at law, who was one of the administrators, and that they being in his house, were, together with the House, unfortunately and entirely consumed by fire.

It is the opinion of your Committee that a remedy in some sort might be had for this accident by application to a Court of Chancery; but they think the Orphans of the said Thomas have been so much reduced by this misfortune that their resources are by no means adequate to the expence of 1,000 or 1,500 suits of dubious event, requiring almost endless attendance and disbursements to bring them to a conclusion.

Your Committee are clearly of opinion that the voice of Reason and Justice loudly cries out for legislative interposition in this case, and do earnestly recommend that an act be passed vesting the several County Courts where those debtors reside with a chancerizing power competent to the compelling of Justice to be done by the debtors of the said Thomas Bell, to his Orphans, and to the enabling them (the said Orphans, or some one in their behalf), without going thro' the expensive, tedious and dilitory forms of litigation in a court of chancery, in a cheap and speedy manner to recover at least some part of the estate that has been honestly and laboriously acquired for them, with many public benefits, by an industrious Father. All which is submitted,

JOHN MACON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith.

Mr. Macon then moved for leave and presented, pursuant to the said Report, a Bill empowering the Courts of Pleas and Quarter Sessions in this State to exercise special jurisdiction over the matters therein mentioned, which was read the first time, passed and, together with the report aforesaid, sent to the House of Commons.

Mr. Joseph Martin, the member for the County of Sullivan, appeared, presented his Certificate, was qualified agreeably to law, and took his seat.

Received from the House of Commons a letter from the Rev'd Robert Andrews and John Cowper, Esquire, Commissioners appointed by the State of Virginia to confer with the Commissioners to be appointed by this State on the subject of opening a canal thro' the Country lying between the waters of Chesapeak and the Rivers or Water courses of this State. Endorsed in the House of Commons, "read and ordered to be sent to the Senate." Which, being read, was on the part of this House, referred to General Rutherford, General Gregory, Messrs. Relfe, and Lewis, and ordered to be sent to the House of Commons, with the following message :

Mr. Speaker and Gentlemen :

We have received and read the letter from the Rev'd Robert Andrews and John Cowper, Esquire, of the State of Virginia, which we propose referring to a select Committee, and have for that purpose on our part appointed General Rutherford, General Gregory, Messrs. Relfe and Lewis a Committee who will act jointly with such of your body as may be appointed for this purpose.

On motion of Mr. Lewis, the House resumed the consideration of the Claim of William Webb and Conyers White, which, being read, was referred to a special Committee. The members chosen on the part of this House were Messrs. Lewis, Reddick and Eaton. And sent to the House of Commons.

Received from the House of Commons a resolution of that body of this date justifying the conduct of the Speakers of this General Assembly in causing to be withdrawn from certain prisoners therein mentioned their monies, papers, &c., which, being read, was concurred with and returned.

Received likewise a Bill to amend an Act entitled "an Act for the relief of such persons who have suffered or may suffer by their

Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by law"; and also to amend an Act entitled "an Act for raising a public revenue for the support of Government;" and to repeal an Act entitled "an Act to suppress excessive gaming." Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read; which, being read, was passed the first time and returned.

Mr. Macon presented the memorial and petition of William Murfree, which, being read, was referred to a special Committee. The members chosen on the part of this House were Messrs. Macon, McCawley and Battle.

Mr. McCulloch moved for leave and presented a Bill to enable the Executors of the last will and testament of Jethro Sumner, Esquire, deceased, to collect and receive the arrears of Taxes in the Counties of Warren and Franklin for certain years therein mentioned, which was read the first time, passed and sent to the House of Commons.

Mr. Hill moved for leave, and presented a Bill for erecting a prison in the county of Franklin, which was read the first time, passed and sent to the House of Commons.

Mr. Hill also moved for leave, and presented a Bill to erect and establish an academy in the county of Franklin, which was read the first time, passed, and sent to the House of Commons.

Mr. Macon moved for leave, and presented a Bill empowering the Commissioners to dispose of the lands and Glebe, the property of Saint John's Parish, formerly in the county of Bute, now in Franklin, which was read the first time, passed, and sent to the House of Commons.

Received from the House of Commons the petition of John Johnston, Esquire, of Bertie county. Endorsed, "read and referred to Messrs. Pugh, McKenzie, Dobbs, Philips, Long, Sawyer, Phifer, Brown and Clinch," which being read, was on the part of this House referred to General Gregory, Messrs. Stokes, Riddick, Battle and McCawley and returned.

Received likewise the petition of Zephaniah Waller. Endorsed in the House of Commons, "read and referred to the Committee on Mr. Johnston's petition," which being read, was on the part of this House, referred to the said Committee and returned.



Mr. Thomas Hines, the member for the county of Wake, appeared, presented his certificate, was qualified agreeably to law, and took his seat.

Received from the House of Commons an additional Bill to an Act entitled "an Act to amend an Act passed at New Bern the first day of December, 1766, entitled an Act for establishing a school-house in the town of New Bern." Endorsed, "read the first time, and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received likewise the memorial of the Rev. James Tate, of Wilmington. Endorsed, "read and referred as by the Senate."

Received also the claims of William Webb and Conyers White. Endorsed in the House of Commons, "read and referred to Messrs. Martin, Hawkins, Franklin and Holland."

Mr. McCawley moved for leave, and presented a Bill directing the Courts of Pleas and Quarter sessions, of Pasquotank county, to be held at Winfield, on Pasquotank river, and for establishing a town on the lands of Thomas Relfe, at Winfield, in said county, which was read the first time, passed, and sent to the House of Commons.

Received from the House of Commons the Bill to amend an Act entitled "an Act for the regulation of the town of Salisbury in the county of Rowan; for regulating the town of Windsor, in Bertie county, and the regulation of the town of Hillsborough, in the county of Orange." Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read, which being read, was amended, passed the second time, and returned to the House of Commons.

Received likewise a Bill to make the securities therein named negotiable. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received also a Bill to alter the mode of punishing horse-stealing, also to repeal an Act entitled "An Act to prevent horse-stealing." Endorsed in the House of Commons "read the first time & passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received from the House of Commons a bill for levying a further tax of — on every hundred acres of land and — on every poll in the county of Camden, for defraying the expence of compleating the public buildings thereof. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Received likewise a Bill for the Inspection of Tobacco at Anson Court House. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

On motion of Mr. Macon, seconded by Mr. Hill, Resolved that the Committee of Claims be and they are hereby directed to allow all claims presented them either for Militia service or supplies furnished, which are properly authenticated and apparently just. Sent for concurrence.

Received from the House of Commons the Bill for erecting a town on the lands of William Murfree, in Hertford county. Endorsed, "read the second time, and passed."

Ordered that this Bill be read, which being read, was passed the second time & returned.

Received likewise the Impeachment of Thomas Brickell, Esq., of certain justices of the peace of Franklin county. Endorsed in the House of Commons, "read and referred to the Grand Committee," which being read, it was ordered that the following message be sent to the House of Commons.

Mr. Speaker and Gentlemen :

We do not agree with you in referring the impeachment made by Thomas Brickell, Esquire, of Franklin county, to the Grand Committee, but propose that it be referred to a select Committee, and have for that purpose on our part appointed Messrs. Gallaway, Macon, Lewis, Hines, General Gregory and Mr. Stokes a Committee who will act jointly with such gentlemen of your body as may be appointed in this behalf.

Received from the House of Commons a Bill for raising troops for the protection of the inhabitants of Davidson county. Endorsed, "read the first time and passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

Received likewise a Bill to release the Widow and Orphans of John Anderson, deceased, from the forfeiture of a Recognizance entered into for the appearance of a certain John McCrory before the Superior Court of Salisbury District. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received from the House of Commons sundry resolutions of that Body of this date relative to certain persons accused of practices injurious to the public credit as well as funds, which being read were concurred with and returned together with the following message :

Mr. Speaker and Gentlemen :

Pursuant to the resolutions of your Body of this date relative to certain prisoners now confined within the town of Fayetteville and others, this House have appointed General Rutherford and General Gregory who will assist the gentlemen by you named in examining them, &c.

Received from the House of Commons the following Bills, vizt :  
A Bill for annexing part of the county of Craven to Pitt county.

A Bill to authorize and empower William Murfree, formerly sheriff of Hertford, now Hertford and Gates counties, to collect the arrears of taxes due him from the Inhabitants of said counties for the years 1768, 1769 and 1770.

A Bill to repeal an Act, entitled an Act, to prevent abuses in taking up stray Horses, Cattle, Hogs and sheep and other things therein mentioned.

A Bill for establishing an Academy at the place now called Martinborough in the county of Pitt.

A Bill to establish a public inspection of Tobacco in the town of Salisbury in Rowan county.

Respectively endorsed in the House of Commons, "read the first time and passed "

Ordered that these bills be read which being read, were severally passed the first time & returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We consent that the impeachment of Mr. Brickell of certain Justices in the county of Franklin be referred to a select Committee and have on our part appointed Messrs. Neale, Long, Hawkins, Perkins, Yancey and Clinch for that purpose.

Received also a Resolution of the House of Commons directing the Treasurer to pay two Certificates heretofore granted by the General Assembly to Benjamin Fordham, of Craven county, which being read, was concurred with and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We have on our part appointed Messrs. McClaine, J. G. Blount, Davie, Brown, Alexander, Cabarrus and John Taylor, to consider of the letters and enclosures from the Rev. Robert Andrews and John Cowper from the State of Virginia.

Received from the House of Commons the following Bills, vizt :

A Bill to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents and

A Bill to prevent the obtaining of Grants of Land lying in the Western parts of this State to the prejudice of the first Enterers, which lands have been entered in the office lately established for receiving Entrees of Claims of such lands, by an Act entitled "an Act for opening the land office for the redemption of specie and other certificates, & for discharging the arrears due to the army," respectively. Endorsed, "read the first time and passed."

Ordered that these Bills be read ; which, being read, were passed the first time and returned.

General Rutherford, from the Committee to whom was referred a message from His Excellency the Governor relative to the petition of Alexander McIver and others, of the Town of Fayetteville, delivered in the following report, vizt.:

Your Committee, taking into consideration the Memorial of Alexander McIver, are of opinion that the said Mr. McIver is a proper object to be recommended to the mercy of the State, for a Riot for which he stands indicted, as set forth in his Memorial, and that he be recommended to His Excellency the Governor accordingly. Your Committee also recommend that a resolve pass in favor of the said

McIver, that whatever monies have been or may be collected pursuant to a Judgment of Wilmington Superior Court on the forfeited Recognizance of Alexander McIver and his Bail, be refunded to the said Alexander and his Bail, respectively, by the officer in whose hands the same may be. All which is submitted.

GRIFFITH RUTHERFORD, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

General Rutherford also delivered in the following report, to-wit:

The Report of the Committee appointed to report on the message of His Excellency the Governor, &c.:

The Committee, taking into consideration sundry Petitions and Memorials, and other papers relative to the supposed Abuses in the administration of Justice in the Superior Courts of law and equity in this State, Report—

That an enquiry into the present state of the administration of Justices in the Superior Courts is absolutely necessary, and they beg leave to recommend that the Speakers of both Houses be requested to notify the Honorable the Judges of the Superior Courts of law and equity, that this enquiry will take place, in order that they may give their attendance if they think proper. Your Committee also recommend that the clerk of the Superior Court of Wilmington District be required to attend this Committee to give such information as may have come to his knowledge respecting the supposed abuses, said to have been committed by the Honorable the Judges of the Superior Courts in the case of fines and forfeitures, all which is submitted.

GRIFFITH RUTHERFORD, Ch.

The House taking this report into consideration, Resolved, that they do concur therewith and ordered that it be sent to the House of Commons.

Received from the House of Commons the report of the Committee on the petition of Alexander McIver. Endorsed, "read and concurred with."

Received likewise a Bill to carry into further effect an act entitled "an act for opening the land office for the redemption of Specie and other Certificates and discharging the arrears due to the army."

Endorsed in the House of Commons, "read the first time & passed."

Ordered that this Bill be read, which being read, was passed the first time and sent to the House of Commons.

Mr. Gowdy moved for leave, and presented an additional bill to an act entitled "an act to prevent the several species of hunting therein mentioned," which was read the first time, passed, and sent to the House of Commons.

Mr. McCawley presented the petition of sundry inhabitants of Chatham county, which was read, referred to the Grand Committee and sent to the House of Commons.

Received from the House of Commons the resignation of Hezekiah Pearce, as one of the Justices of the Peace for Beaufort county. Endorsed, "read and accepted," which being read, was accepted by this House.

Received likewise the Bill for enabling certain persons to perfect a Canal between Scuppernong river and the Lake near its head. Endorsed in the House of Commons, "read the third time, amended and passed."

Ordered that this Bill lie on the table 'till to-morrow, and that it be then read for the third and last time in this House.

Adjourned till Tomorrow morning 9 O'clock.

Tuesday, December 5th, 1786.

The House met.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have added Mr. Nehemiah Long to the Committee of Finance.

Pursuant to the order of the day the Bill for enabling certain persons to perfect a Canal between Scuppernong river and the Lake near its head, was read the third time, passed, and ordered to be engrossed.

Received from the House of Commons the petition of Mr. Edward Bridgers, merchant of London. Endorsed in that House, "read and referred to the Grand Committee," which being read, was referred in like manner and returned.

Received likewise the Bill for cutting a Canal from Currituck Sound to the Indian Ridge, and from thence to the head of North river, or as far as the Commissioners herein named shall think pro-

per, Endorsed in the House of Commons, "read the third time and passed."

Ordered that this Bill be read, which being read, was passed the third time and ordered to be engrossed.

Received also the Bill to empower the Wardens of the poor in the county of Granville to sell the Glebe in said county. Endorsed in the House of Commons, "read the second time and passed."

Ordered that this Bill be read, which being read, was passed the third time & returned.

Received from the House of Commons the Bill erecting a town on the lands of Matthew Figures, in Northampton county, on the south side of Meherrin river. Endorsed, "read the third time, amended, and passed."

Ordered that this Bill be read, which being read, was passed the third time and ordered to be engrossed.

Received likewise the petition of the sheriffs of the several counties in the district of Salisbury. Endorsed in the House of Commons, "read and referred to the Committee of Propositions and Grievances" which being read, was referred in like manner and returned.

Received also the petition of William Murfree. Endorsed in the House of Commons, "read and referred to Messrs. Bloodworth, Willis, Frohock and Whitfield."

Received from the House of Commons the Bill for establishing a town on the lands late the property of William Petty, adjoining, Chatham Court House, as laid off by the Trustee named in the act of the last General Assembly, entitled "an Act for establishing a town on the land of Mial Scurlock, deceased, in Chatham county, for appointing Commissioners for the regulation of the town and repealing said Act." Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read ; which, being read, was passed the second time and returned.

Received likewise the Bill for erecting an Academy at the Town of Warrenton, in the District of Halifax. Endorsed in the House of Commons, "read the first time & passed."

Ordered that this Bill be read ; which, being read, was amended, passed the second time and returned.

Received also a Bill to amend an Act for dividing Guilford County ; and,

A Bill to vest certain salt springs and Licks in the Trustees of Davidson Academy, and their Successors, for the use of the said Academy, respectively. Endorsed in the House of Commons, "read the first time and passed."

Ordered that these Bills be read ; which, being read, were passed the first time and returned.

Received from the House of Commons the petition of William Hollowell. Endorsed, "read and referred to the Committee on Petitions and Memorials." Which, being read, was referred in like manner and returned.

The resignation of Andrew Hunt, Esquire, as one of the Justices of the Peace for the County of Rowan was read, accepted and sent to the House of Commons.

Received from the House of Commons the Bill to amend an Act entitled "an Act for the regulation of the Town of Salisbury, in the County of Rowan ; and for regulating the Town of Windsor, in Bertie County." Endorsed, "read the third time amended & passed."

Ordered that this Bill be read ; which, being read, was passed the third time and ordered to be engrossed.

Mr. Whiteside moved for leave and presented a Bill to annex part of the County of Burke to Rutherford County, which was read, passed the first time and sent to the House of Commons.

General McDowell presented the petition of sundry of the Inhabitants of Wilkes County and others in favor of Thomas Nethery and Ambrose Carlton, of said County, which, being read, was referred to the Committee of Petitions and Memorials and sent to the House of Commons.

On motion of Mr. Gallaway, ordered that Messrs. Macon, Stokes, Gallaway and Riddick be added to the Committee to whom were referred the letter from the Rev'd Robert Andrews and John Cowper, Esquire, of the State of Virginia, together with its enclosures ; and that the House of Commons have notice hereof by the following message, vizt.:

Mr. Speaker and Gentlemen :

The Senate have added Messrs. Stokes, Macon, Gallaway and Rid-



dick to the Committee to whom were referred the Letter and enclosures from the Rev'd Robert Andrews and John Cowper, Esquire, Commissioners for the State of Virginia.

Adjourned till Tomorrow morning 10 o'clock.

Wednesday, December 6th, 1786.

The House met.

General Ramsey moved for leave and presented a Bill to extend three acts passed in the last General Assembly, held at New Bern, concerning the County Wardens of the poor, Tobacco Inspection and for destroying Vermin in certain counties therein mentioned to the County of Chatham, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the Petition of John Bradley, late Commissary of Issues at Wilmington. Endorsed in that House, "referred to Messrs. Rhodes, P. Robson, Grant & Winslow." Which, being read, was referred to Messrs. Mitchell, Martin and Moore, and returned.

Received also a bill for altering the time of holding the annual Elections and annual Assemblies. Endorsed in the House of Commons "read the first time and passed."

Ordered that this bill be read which being read was rejected.

General Ramsey moved for leave and presented a Bill for the promotion of learning in the County of Chatham, which was read the first time, passed and sent to the House of Commons.

Mr. Brown returned and took his seat.

Received from the House of Commons the petition of George Lewis and William Price, Endorsed "read and referred to the Committee of Propositions and Grievances," which being read was referred in like manner and returned.

Received likewise a Bill for erecting a town on the lands of William Murfree in Hertford County. Endorsed in the House of Commons "read the third time and passed."

Ordered that this bill be read which being read was passed the third time and ordered to be Engrossed.

Mr. Stokes moved for leave and presented a Bill vesting certain lands therein mentioned in John Colson, son of William Colson, in fee simple, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons a Resolve of that Body of this date, relative to certain prisoners now in custody by order of the General Assembly. which being read was concurred with and returned.

Mr. Macon presented the petition of David Ross, of the State of Virginia, which was read and referred to a select Committee, the members chosen on the part of this House were Messrs. Tipton, Gallaway, General Rutherford, Messrs. Stokes, Martin and Bledsoe.

Received from the House of Commons the Claim of the Clerk of the Superior Court of the District of Halifax. Endorsed "read and referred to the Committee of Claims" which being read was referred in like manner and returned.

Received likewise the petition of sundry of the inhabitants of Orange County. Endorsed in the House of Commons "read and referred to Messrs. Willis, I. Taylor, Hall, Stewart and Hamilton," which being read, was on the part of this House referred to Mr. McCawley, General Ramsay, Mr. Griffin and Mr. Gowdy and returned.

Received also, a bill to repeal the thirteenth section of an act passed at NewBern in October in the year 1784, entitled "an act for raising a public revenue for the support of Government" and to repeal an act entitled "an act to suppress excessive gaming." Endorsed in the House of Commons "read the first time and passed."

Ordered that this bill be read, which being read was passed the first time and returned.

Mr. Brown presented the petition of William Moore of Bladen County, which was read, referred to the Committee of Petitions and Memorials and sent to the House of Commons.

Received from the House of Commons a bill to prohibit the exportation of Indian Corn, Endorsed "read the first time and passed."

Ordered that this bill be read which being read was rejected.

Received also the resignation of Mr. Andrew Hunt as one of the Justices of the Peace for Rowan County. Endorsed in the House of Commons "read and accepted."

Received likewise the Bill for establishing a town on the lands of Andrew Bass. Endorsed in the House of Commons "read the second time, amended and passed."

Ordered that this bill be read, which being read was passed the second time and returned.

Received from the House of Commons the petition of sundry of the Inhabitants of Chatham County. Endorsed "read and referred as by the Senate."

Mr. Tipton from the Committee of Memorials and Petitions delivered in the following report, vizt.:

The Committee of Memorials and Petitions to whom was referred the Memorial of Pleasant Henderson, report :

That your Committee having taken the aforesaid memorial under consideration, and examined the certificate of Colonel Shelby, find that Colonel Richard Henderson, deceased, did receive sundry articles of Provision and Forage while he was extending the bounary line, &c., and that he passed his note for the same, amounting to twenty-two hundred and seventy-two dollars, which by the scale of depreciation, at one hundred for one, amounts to twenty-two dollars and three fourths of a dollar.

Your Committee therefore recommend that a warrant issue on the Treasury of this State, in favor of the executors of the said Richard Henderson, deceased, for the above sum of twenty-two and three-fourths dollars, and that the treasurer be allowed in the settlement of his public accounts.

JOHN TIPTON, Ch.

The House taking the foregoing report into consideration resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Mr. Tipton likewise delivered in the following report, to-wit :

Your Committee taking into consideration the matters and things contained in the Memorial of William Moore, sheriff of Burke County, find that through a neglect of the County Court of Burke, the said Moore was obliged to undertake the collection of all the taxes in the said county which renders it impossible for him to settle his account with the Treasurer by the time prescribed by law ; your Committee are therefore of opinion that the said William Moore be allowed 'till the first day of May next to settle up and pay up the taxes for the year 1785, and that the treasurer be directed to suspend any suit that may be commenced against the said Moore. Your Committee further recommend that William Moore aforesaid be allowed a commission of two and a half per cent. for

his trouble in the collection of the taxes aforesaid, all which is submitted.

JOHN TIPTON, Ch.

The House taking the foregoing report into consideration, Resolved that they do concur therewith and ordered that it be sent to the House of Commons.

Received from the House of Commons the report of the Committee to whom was referred the petition of Winston Caswell and William White, executors of William Caswell, Esquire, deceased. Endorsed in that House "read and concurred with," which being read was concurred with and returned.

Mr. Battle from the Committee to whom was referred the Petition of Zephaniah Waller, of Granville County, delivered in the following report, to-wit:

Your Committee to whom was referred the Petition of Zephaniah Waller, report:

That it appears to your Committee from the Information of Major Hunt and Mr. Benjamin McCulloch, that the land mentioned in the said petition was originally held in Deeds patent by Henry McCulloch. It also appears to your Committee by a certificate from the Surveyor of the County in which the said lands are situate (corroborated by the information of Major Hunt) that the said lands were conveyed by Henry McCulloch to a certain James Kelly and by Kelly to James Boyd, and by this said James Boyd were conveyed to Henry E. McCulloch and that the said Henry Eustace McCulloch has never conveyed the said lands to any person whatever by deed or otherwise. Your Committee after duly considering several circumstances relating thereto, are of opinion that the said petition be rejected. All which is submitted.

ELISHA BATTLE, Ch.

The House taking this report into consideration resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the report on the petition of John Simpson, Esquire. Endorsed in the House of Commons

“read and concurred with” which being read it was ordered that the following message be sent to the House of Commons, vizt. :

Mr. Speaker and Gentlemen :

We propose that the report of the Committee on the Petition of General Simpson be recommitted as he was not present at the investigation of the facts therein set forth.

Received from the House of Commons a bill for levying a tax for the support of government and for the redemption of the old paper Currency, continental money and specie and other certificates. Endorsed “read the first time and passed.”

Ordered that this bill be read, which being read was passed the first time and returned.

Mr. Battle from the Committee delivered in the following report, to-wit :

Your Committee to whom was referred the Petition of John Johnston, report :

That it appears to your Committee from several extracts of letters laid before them concerning the allegations set forth in the Petition corroborated by the deposition of James Iredell, Esquire, and the information of Col. Nicholas Long, that no actual contract was ever made by Mr. Johnston for the lands, nor does it appear that any consideration has ever been paid for the same by the said petitioner, either to the State, Mr. McCulloch or any of his agents.

Your Committee are therefore of opinion that the prayer of the petition cannot be granted. All which is submitted.

ELISHA BATTLE, Ch.

The House taking this report into consideration, resolved, that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons a Report of the Committee of Finance, informing of their having sub-divided the members of that Committee and apportioned the business to them committed as therein set forth; recommending that such sub-divisions be considered as Committees of the General Assembly & permitted to report accordingly. Endorsed in the House of Commons “read and concurred with,” which being read was concurred with and returned.

Mr. Riddick from the Committee delivered in the following report, to-wit :

Your Committee to whom was referred the papers of William C. Webb and Conyers White, of the County of Orange, and State of Virginia, report :

That it appears to your Committee, the said Webb and White did actually furnish Morgan Brown, who then acted as a purchasing Committee for the Southern Department, with forty-four head of Cattle at the rate of four hundred pounds each as per receipt from the said Brown, dated the 12th day of November, 1780, and that the said Webb & White, or either of them, never received any satisfaction for the same.

Your Committee are therefore of opinion that a warrant issue on the Treasury of this State in favor of the said Webb and White for the amount of the value of the said Cattle agreeable to the scale of depreciation. All which is submitted.

JO. RIDDICK, Ch.

The House taking this report into consideration, resolved that they do not concur therewith, whereupon the same was rejected.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the petition of the people called Quakers, which at present stands referred to the Grand Committee, be withdrawn from the said Committee, and be referred to a joint select Committee, and have for that purpose on our part appointed Messrs. Franklin, Sawyer, Spaight, Bloodworth, Bond and Gardner.

We have added Mr. James Robeson to the Committee to whom is referred the petitions from the counties of Washington, Sullivan and Greene.

The foregoing being read, it was ordered that Messrs. Harget, Stone and Clinton, on the part of this House, act on the Committee to consider of the petition of the people called Quakers, and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have received your message relative to the petition of the people called Quakers, which we agree to refer to a select Committee, and have appointed Messrs. Harget, Stone and Clinton who will act with the gentlemen by you named for that purpose.

Mr. Brown presented the petition of William Kirkpatrick, which was read, referred to the Committee on Petitions and Memorials, and sent to the House of Commons.

Received from the House of Commons the additional Bill to an act to prevent the several species of hunting therein mentioned. Endorsed, "read the first time, and passed."

Ordered that this bill be read, which being read, was rejected.

Received likewise the petition of William Ledford. Endorsed in the House of Commons, "read and referred to the Committee of Petitions and Memorials," which being read, was referred as by the House of Commons and returned.

Received also a Bill to establish a Fund for the support of the Academy at Hillsborough. Endorsed in the House of Commons, "read the first time & passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

Received from the House of Commons a special Report of the Committee of Claims on the claim of Mr. James Blount, of Chowan county. Endorsed, "read and recommitted" which being read, was recommitted on the part of this House and returned.

Received, likewise, the application and claim of Mr. James Davis, of Craven county. Endorsed in the House of Commons, "read and referred to Messrs. Martin, Spaight and Lewis," which being read, was referred on the part of the Senate to Messrs. Gowdy, Clinton and General Simpson and returned.

Mr. Gowdy presented the resignation of Charles Bruce as one of the Justices of the Peace for Guilford county, which was read, accepted, and sent to the House of Commons.

Received from the House of Commons the Bill to alter the mode of punishing horse-stealing, also to repeal an act entitled an act to prevent horse-stealing. Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read, which being read, on motion of Mr. Gallaway, it was ordered that he have leave to withdraw it for amendment.

Adjourned till to-morrow morning 10 O'clock.

Thursday, December 7th, 1786.

The House met.

Received from the House of Commons the report of the Committee for ascertaining the produce of the Revenues and taxes, and the nature and state of the public debts, the estimates for the year 1787, &c. Endorsed in that House, "read and concurred with," which being read, was concurred with and returned.

Received from the House of Commons the Bill for annexing part of the county of Craven to Pitt county. Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read, which being read the second time, was ordered to lie over until the next General Assembly.

Mr. Herritage returned and took his seat.

Mr. Gallaway agreeably to order, presented the bill to alter the mode of punishing horse-stealing, also to repeal an act, entitled an act to prevent horse-stealing, as by him amended, which being read with the amendments, was passed the second time & sent to the House of Commons.

On motion of Mr. Hill ordered that he have leave of absence for a few days.

Adjourned 'til to-morrow 10 O'clock.

Friday, December 8th, 1786.

The House met.

Mr. Harget from the Committee, delivered in the following report, to wit :

The Committee to whom was referred the petition of the people called Quakers relative to the liberation of Slaves, having taken the same under consideration, beg leave to report,

That it is the opinion of your Committee that the emancipating slaves is impolitic and dangerous to the peace and good order of the State and the community at large, therefore they have determined that the prayer of the petition aforesaid be rejected. All which is submitted.

FREDERICK HARGET, Ch.

The House taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.



Mr. Battle moved for leave, and presented a Bill to prevent the appointing too great a number of Justices of the Peace, and to compel the clerks of the several County Courts in this State to make return as herein directed, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons a Bill to alter and amend an act, passed at Hillsboro in May 1783, entitled an act for repairing the Court House and prison in the town of Salisbury; and also one other act passed at New Bern in 1784, entitled "an act for levying a tax in the counties in Hillsborough and Salisbury Districts for the repairing the District buildings in the town of Hillsborough and Salisbury, and directing the method of calling to account all Commissioners of public buildings heretofore or hereafter to be appointed, also to alter and amend the several laws now in force for erecting and repairing the public buildings in the District of Hillsborough." Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

On motion of Mr. Harget it was resolved as followeth, to wit:

In conformity to a report of a Committee of both Houses of the General Assembly in May, 1784, allowing Hugh Stanley, of Jones county, an annuity of twenty pounds Currency, which report was concurred with.

Resolved that the public Treasurer pay unto the said Hugh Stanley or order, the sum of forty pounds, being the amount of the said annuity up the 4th of May last, and be allowed in the settlement of his public accounts.

Sent for concurrence.

Received from the House of Commons the petition of Mr. David Ross, of the State of Virginia. Endorsed, "read and referred to Messrs. Heritage, Scott, Hill, Sloan, Perkins, White, Ferebee and Carson."

Received likewise the resignation of Mr. Charles Bruce as one of the Justices of the Peace for the county of Guilford. Endorsed in the House of Commons, "read and accepted."

Received also a Bill to establish a Board to amend errors in patents, and

A Bill to annex part of the county of Burke to Rutherford county,

each, endorsed in the House of Commons, "read the first time and passed."

Ordered that these Bills be read, which being read, the first was amended and passed the second time, and the latter was passed the first time and returned.

Received from the House of Commons the petition of William Moore.

The petition in favor of Thomas Nethery and Ambrose Carlton, and the petition of William Kirkpatrick respectively. Endorsed, "read and referred as by the Senate."

Received likewise a Bill for establishing a town on the land of Robert Burton, Esquire, in the county of Granville. Endorsed in the House of Commons "read the second time amended & passed."

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Mr. Macon moved for leave, and presented a bill vesting certain powers in the several County Courts within this State, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We agree that the petition of General Simpson be recommitted as by you proposed.

Received likewise the bill vesting certain lands therein mentioned in John Colson, son of William Colson, in fee simple. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this Bill be read ; which, being read, was passed the second time and returned.

General Rutherford presented the Memorial of Matthew McClure, which, being read, was referred to a special Committee and sent to the House of Commons. The members chosen on the part of this House : Messrs. Harget, Stone, Macon, Gillispie and Harris. .

Received from the House of Commons the report of the Committee of Memorials and Petitions on the Memorial of William Moore, Sheriff of Burke County ; and

The report of the said Committee on the Memorial of Mr. Pleasant Henderson. Each endorsed in that House, "read and concurred with."

General Gregory delivered in the following report, to-wit.:

The Committee to whom the Petition of Samuel Johnston, Nathaniel Allen and James Iredell, executors of the last will and testament of Joseph Hewes, dec'd, was referred, report—

That after having examined the account of said Joseph Hewes, dec'd, together with the vouchers, do find that a balance of two hundred and sixty pounds three shillings and eight pence is due the estate of Joseph Hewes from the District of Edenton, and recommend that a tax be laid for discharging the said balance in the District of Edenton. All which is submitted.

ISAAC GREGORY, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

General Rutherford delivered in the following report, to-wit.:

The report of the Committee on the Papers from Virginia respecting a Canal :

Your Committee to whom was referred the Resolutions of the State of Virginia, and other papers respecting the Canal proposed to be cut from the waters of Elizabeth river to the Head of Pasquotank river, report—

That it is the opinion of your Committee that the General Assembly appoint one or more members from each House, who, in conjunction with the Commissioners now attending on the part of the State of Virginia, shall prepare a Bill for the purpose of opening the said Canal, on terms of reciprocal interest and advantage to each State.

GRIFFITH RUTHERFORD, Ch.

The House, taking this report into consideration, resolved that they do concur therewith ; whereupon Messrs. Gallaway and Macon were appointed on the part of this House to assist in preparing the Bill aforesaid ; and it was ordered that the foregoing report, together with the following message, be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The report of the joint committee to whom was referred the Resolution of the Assembly of the State of Virginia, and other papers relative to a Canal proposed to be opened from the waters of Eliza-

beth to those of Pasquotank river, we send you herewith, concurred with by this House ; who have appointed on their part Messrs. Gal-  
laway and Macon to assist in preparing a Bill agreeably to the tenor thereof.

General Gregory moved for leave and presented a bill for levying a tax in the District of Edenton for building the jail of the said District, and for the purpose of discharging a balance due to the Executors of Joseph Hewes, deceased, which was read the first time, passed and sent to the House of Commons.

Mr. Mitchell, from the Committee to whom was referred the Petition of Mr. John Bradley, delivered in a report, which, being read, was rejected.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have received and considered the report of the Committee on the petition of John Johnston, with which this House cannot con-  
cur ; but in consequence thereof, have entered into the resolution directing the suspension of the sale of the lands called Green Ponds, &c., herewith sent for your concurrence. We propose that the report on the petition of Zephaniah Waller be recommitted.

The resolve alluded to in the foregoing message being read, was rejected ; whereupon, ordered that the following be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have received and rejected the resolution of your House rela-  
tive to certain lands in the District of Edenton, claimed by John Johnston, Esquire. It is not the sense of this House that the report of the Committee on the Petition of Zephaniah Waller be recom-  
mitted.

General Gregory presented a paper signed by John Armstrong, Hardy Murfree, John Ford, G. I. McRee, Robert Fenner, James Read, Reading Blount, & John Nelson, as Officers of the North Carolina line in the late army of the United States, purporting that, pursuant to a Proclamation issued by his Excellency the Governor in conformity to a late Resolution of this General Assembly, they were present and ready to attend on the Assembly and answer for any part of their conduct which they might wish to investigate ;

which, being read, was ordered to be sent to the House of Commons.

Received from the House of Commons a message from His Excellency the Governor, with sundry papers enclosed. Endorsed in that House, "read and referred to Messrs. Spaight, Hay and Mac-laine, who are to report immediately and to bring in a Bill for the purpose of carrying into effect the Resolutions on this subject." Which, being read, was referred on the part of this House to Messrs. Gillispie, Harget, & Bledsoe, and returned.

Received also the petition of John Williams, of Halifax County. Endorsed in the House of Commons, "read and referred to the Committee of Memorials and Petitions." Which, being read, was rejected.

Received from the House of Commons the Petition of Matthew Jones. Endorsed, "read and referred to the Committee of Petitions and Memorials." Which, being read, was referred as by the House of Commons, and returned.

Received likewise the Petition of John McNeele. Endorsed in the House of Commons, "read and referred to the Committee of Petitions and Memorials." Which, being read, was rejected.

Received also the Report of the Committee of Propositions and Grievances (to whom was referred the Memorial of George McNeil) on the Memorial aforesaid. Endorsed in the House of Commons, "read and concurred with." Which, being read, was concurred with and returned.

Received from the House of Commons to report of the Committee of Propositions and Grievances on the Petition of Samuel Pitman. Endorsed, "read and concurred with." Which, being read, was concurred with by this House and returned.

Received likewise the Petition of Matthew McClure. Endorsed in the House of Commons, "read and referred to Messrs. Sloan, Phillips, Phifer, Alexander and McDowell.

Received also a bill to release the estate of John Anderson, deceased, from a forfeiture of Recognizance, entered into for the appearance of a certain John McCrory before the Superior Court of Salisbury District. Endorsed, "read the second time, amended and passed."

On motion of Mr. Gillispie, seconded by Mr. Harget, Resolved, that the Committee appointed by this General Assembly, in con-

junction with the Justices of the Peace for Cumberland County, to take the examination of such persons as have been or may be accused of having embezzled the public money, he and they are hereby directed to admit no such person to bail until they shall have reported to the General Assembly and their further order be had thereon.

Sent for concurrence.

Received from the House of Commons the Resolution of this House in favor of Hugh Stanley, of Jones County. Endorsed, "read and concurred with."

Received likewise the resolution of this House containing instructions to the Committee appointed to take the examination of such persons as have been or may be accused of having embezzled the public monies, &c. Endorsed in the House of Commons, "read and concurred with."

On motion, resolved that the Honorable the Speaker of this General Assembly be requested to inform the officers of the Continental line of this State, now attending in Fayetteville in order to give testimony and aid in bringing to justice sundry persons accused of having embezzled the public money ; that their further attendance on this Assembly will be necessary, and that they request them not to depart from this place until further proceedings are had in the premises.

Sent for concurrence.

Received from the House of Commons a resolution of that body allowing Thomas W. Pearson, of New Bern, the sum of one hundred and fifty-seven pounds, it being for 7,850 lb. weight of tobacco, borrowed from the said Pearson in the year 1781 for the use of the public ; which, being read, was concurred with and returned.

The passing of this resolve being objected to, on motion of General Rutherford, seconded by Mr. Stokes, it was ordered that the yeas and nays be taken thereon, which were as follows, to-wit:

For the Resolve : Messrs. Thomas Armstrong, Jordan, Tipton, John Armstrong, Macon, Simpson, Bonner, Gillispie, Mayo, McCulloch, Clinton, Harget, Williams, Moring, Jones, Riddick, Bledsoe, Martin, and Lewis—19.

Against the resolve : Messrs. Sharp, Battle, Ramsey, Medlock, McCawley, Alexander, Whiteside, Griffin, Rutherford, Gowdy, Stone, McDowell, Mitchell, Harris, and Stokes—15.

So the resolution aforesaid was adopted and passed.

Received from the House of Commons the petition of Samuel Gilmore, late a captain in the service of this State. Endorsed, "read and referred to the Committee of Claims." Which, being read, it was, on motion of General Rutherford, seconded by Mr. Macon, resolved as followeth, to-wit. :

Read the petition of Samuel Gilmore, late a Captain of the Militia under the command of Brigd. General Harrington ; whereupon,

Resolved, That the Comptroller of this State be and he is hereby directed, on application of Captain Samuel Gilmore, to issue him a certificate for such sum as he shall make appear is justly due him for his services as Captain aforesaid by this State.

Sent for concurrence.

Received from the House of Commons the Bill to amend an act entitled "an act for the relief of such persons who have suffered or may suffer by their Grants, Deeds & Mensne Conveyances not being proved and registered within the time heretofore appointed by law." Endorsed, "read the second time, amended and passed." Which, being read, it was ordered that the same lie on the table 'til Monday next, and that it be then read for the second time in this House.

Received from the House of Commons the petition of Nathan Smith together with a resolution of the Senate of December last, in favor of the said Smith for the sum of £42 for and on account of two Hogsheads of Tobacco by him, the said Smith lent the State in the year 1781, which said resolution was laid over by the House of Commons 'til this Assembly, the said petition being endorsed in the House of Commons December 8th, 1786. "Read and referred to the Committee of Memorials and Petitions." This measure being objected to a motion was made by General Rutherford that the whole of the papers now before the House appertaining to this claim be rejected; because he, the said Smith, hath already settled with the auditors of New Bern District and been allowed and a certificate granted him for the amount of the tobacco aforesaid. This being objected to the question was put and carried in the affirmative, to-wit: That the petition and other papers tending to establish this claim should be rejected.

Whereupon, the yeas and nays being required by Mr. Harget, seconded by Mr. Stokes, were as follows, to-wit: For rejecting the

petition and others papers thereto belonging Messrs. Sharpe, Battle, Ramsey, Medlock, J. Armstrong, Macon, McCawley, Alexander, Simpson, Whiteside, Griffith, Rutherford, Stokes, Gowdy, Stone, McDowell, Mitchell and Harris.—18.

Against rejecting them and for making allowance Messrs. Thos. Armstrong, Jordan, Tipton, Bonner, Gillispie, Mayo, McCulloch, Clinton, Harget, Lewis, Williams, Moring, Jones, Riddick, Bledsoe and Martin.—16. So the petition and papers aforesaid were rejected.

Received from the House of Commons the report of the Committee to whom was referred the petition of the executors of the last will and testament of Joseph Hewes, Esquire, deceased. Endorsed "read and concurred with."

Received likewise a bill for adding part of Wake County to Franklin County. Endorsed in the House of Commons "read the first time and passed."

Ordered that this bill be read which being read was passed the first time & returned.

Received also the report of the Committee to whom was referred the petition of the people called Quakers, Endorsed "read and concurred with."

Received from the House of Commons the report of the Committee of Propositions and Grievances on the petition of Isaac Davenport, Jonathan Phelps and John Davenport, and

The report of the said Committee on the petition of William Bogan respectively, Endorsed "read and concurred with" which being read were concurred with and returned.

Received likewise the memorial of John Graham, Endorsed "read and referred to the Committee on Memorials and Petitions," which being read was referred in like manner and returned.

Received also a resolution of the House of Commons of this date directing the committee appointed to examine certain prisoners, to communicate the result of such examination to certain gentlemen therein mentioned, which being read was concurred with and returned.

Received from the House of Commons the following resolution of that body, to-wit:—

Resolved, That the officers of the late army attending here in consequence of the Governor's proclamation be informed, that this



Assembly entertain a proper sense of their ready acquiescence to the command in the said proclamation, in order to aid the General Assembly in the discovery of frauds committed against the State; and that the speakers be requested to notify the same accordingly.

This resolve being read was concurred with and returned.

Adjourned 'til Tomorrow morning 10 O'clock.

Saturday, December 9th, 1786.

The House met.

Received from the House of Commons the Bill empowering the Courts of Pleas and Quarter Sessions in this State, to exercise special jurisdiction over the matters therein mentioned. Endorsed, "read the first time, and passed."

Ordered that this Bill be read, which being read, on motion of Mr. Harris, it was ordered that he have leave to withdraw the same for amendment.

On motion of Mr. Macon, seconded by Mr. Armstrong, the House resumed the consideration of the Bill for annexing part of the county of Craven to Pitt county laid over by this House on Thursday last until the next Assembly. Whereupon ordered that this bill be read for the second reading in this House on Thursday next.

Received from the House of Commons a Bill for altering the manner of holding the annual elections for the county of Hyde.

A Bill for erecting Bogue Barr and New River Inlets into a distinct Port by the name of Swannsborough, and

A bill for altering the time of holding the County Court of Pleas and Quarter sessions in the county of Mecklenburgh. Each endorsed in the House of Commons, "read the first time and passed."

Ordered that these bills be read, which being read, were respectively passed the first time and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We have received the message of your House accompanied by the report of the Committee relative to opening a Canal from the Waters of Elizabeth river in the State of Virginia to Pasquotank River in this State, with which we do not concur, but propose that the report relative to this subject be recommitted.

The foregoing being read, it was agreed that the report referred

to be recommitted, whereupon ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

Pursuant to your proposition on that head, we agree that the report of the Committee to whom was referred the resolution of the Assembly of Virginia and papers accompanying it, relative to the opening a Canal from the Waters of Elizabeth River, to those of Pasquotank River in this State, be recommitted.

Received from the House of Commons the Bill to annex part of the county of Burke to Rutherford county, and

The additional Bill to an act entitled "an act to amend an act passed at New Bern the first day of December, 1766, entitled an act for establishing a school house in the town of New Bern. Each endorsed, "read the second time and passed."

Ordered that these Bills be read ; which, being read, were passed ; the former the third and the latter the second time, and returned.

Received likewise by way of the House of Commons a letter from the Rev. Robert Andrews and John Cowper, Esquire, of the State of Virginia, accompanied by the resolution of that House and the following message, to-wit. :

Mr. Speaker and Gentlemen :

This House have appointed Messrs. Maclaine & McKenzie on their part to confer with the Rev. Robert Andrews and John Cowper, Esquire, on the subject expressed in the Resolution herewith sent you, and their Letter.

These papers being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate have, pursuant to the letter from the Reverend Robert Andrews and John Cowper, Esquire, Commissioners on the part of the State of Virginia, and the message and resolution of your House accompanying the same, appointed Messrs. Galloway and Stokes to confer with the said Commissioners, and with them and the Gentlemen appointed by your body to report the form of a Bill relative to the opening a navigable canal between certain waters of that and this State.

Received from the House of Commons the representation of Cap-

tain Robert Fenner, agent for the late line of this State in the continental army. Endorsed, "read and referred to Messrs. Spaight, Rhodes and Martin" which being read, was on the part of this House referred to Messrs. Harget, J. Armstrong and Mayo and returned.

Received at the same time the following message :

Mr. Speaker and Gentlemen :

We propose that the papers before the Grand Committee relative to the subject of Final settlement, Certificates, &c., be referred to the Committee appointed on the Representation of Robert Fenner, and that such Committee report as soon as possible.

The foregoing being read, it was ordered that the following message be sent to the House Commons, to wit :

Mr. Speaker and Gentlemen :

We agree that the papers before the Grand Committee relative to final settlement certificates be referred to the Committee appointed on the representation of Captain Robert Fenner, and that the said Committee report as by you proposed.

Mr. Stokes delivered in the following report vizt :

The Division of the Committee of Finance No. 3, to whom was referred the state and application of the public tobacco, Foreign Debt and Interest, and Future Contracts, report,

That on examination of the returns of the Commissioners of purchases, there appears to be at the warehouses at Wilmington, Washington and the Mouth of Roanoak, one Million three hundred and twenty-three thousand nine hundred and twenty-one pounds weight of nett Tobacco.

Your Committee from a conviction of the necessity of re-examining the Tobacco, beg leave to recommend, that the Commissioners of purchases be directed to have the said Tobacco examined and prepared for exportation as soon as possible, and if it is not disposed of during the sitting of the present General Assembly, that it be by the said Commissioners as soon as may be afterwards exported in American or French Bottoms to the Port of L'Orient or some other French Port, at the expence and risque of this State, and that they make a report thereof to the present (if practicable), otherwise to the next General Assembly.

Your Committee have considered the proposals made by Mr. Dange and other Gentlemen for the purchase of the Tobacco on

hand, and think them such as this State cannot accede to consistently with their interest and safety. Your Committee therefore beg leave to recommend, that unless proposals shall be made and accepted of by the General Assembly during this session, and which will come up to the intent of this Act for the application of the said tobacco that then the same be shipped as above stated, consigned to an agent or Commissioner to be appointed by joint Ballot of both Houses of Assembly, who before entering on his office shall give bond and security in such sums as the General Assembly shall direct for the faithful discharge of his duty, and the due application of the monies arising from the sales of the tobacco to discharge the Quota of the interest on the Foreign Debt from this State, together with part of the first instalment of said debt due in the year one thousand seven hundred and eighty seven.

Your Committee impressed with the belief that the application of a certain part of the Revenue to the annual purchase of tobacco would be advantageous to the State, therefore beg leave to recommend that the duties on goods imported into this State by water and land, Commissions on vendue sales and the unappropriated part of Tonnage on British Bottoms, be appropriated to this purpose, and that the Treasurer be directed to pay the same into the hands of a Commissioner to be appointed by joint ballot of both Houses of Assembly whose duty it shall be to purchase tobacco therewith at such places as to be shipped from the ports of Wilmington, New Bern, Washington and Edenton in as equal proportions as possible, which Tobacco when purchased to be disposed of under the direction of the present or succeeding General Assembly, thus this State will not only declare a willingness to discharge the interest of the Foreign debts, but also be supplied with the means of doing it with punctuality. All which is submitted.

JOHN STOKES, Ch.

The House taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

On motion of General Rutherford, seconded by Mr. Gillispie, Resolved that the Committee for examining sundry persons charged with having embezzled the finance of this State be directed to liberate a certain Arthur Pierce, it having appeared to them that he is innocent of the charge against him. Sent for concurrence.

Received from the House of Commons a resolution of that body directing Captain Robert Fenner, agent of Final settlement Certificates, and the Secretary of this State to furnish the Committee appointed to examine the State prisoners, with Lists of the names of all persons now in their respective offices, who have served in the Continental line of this State, &c., which being read, was concurred with and returned.

Received also, the Resolution of this House in favor of Captain Samuel Gilmore. Endorsed in the House of Commons "read and concurred with."

Received also the petition of Andrew Kennedy and the petition of James Fletcher, each endorsed in the House of Commons, "read and referred to the Committee of Propositions and Grievances" which being read, were referred in like manner and returned.

Mr. Gallaway presented the petition of Mrs. Elizabeth Shaw, which being read, was referred to the Committee to whom was referred the petition of Samuel Strudwick, Esquire, and sent to the House of Commons.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We have added Mr. Rhodes to the Committee of Finance.

Mr. Tipton, Chairman of the Committee of Memorials and Grievances, delivered in the following report to wit,

The Committee on Memorials and Grievances to whom was referred the petition of Nathaniel Tooty report,

That it is their opinion that the said petitioner be permitted to have his said patent recorded in the office of the Secretary of State, as it appears to your Committee that the record hath been lost, where it was formerly recorded.

JOHN TIPTON, Ch.

The Committee of Memorials and Petitions to whom was referred the Memorial of William Hollowell, are of opinion that the same be rejected.

JOHN TIPTON, Ch.

The Committee of Memorials and Petitions to whom was referred the Memorial of James Lockhart respecting the removal of his Mill-Dam, report that it is their opinion the said Memorial be rejected.

JOHN TIPTON, Ch.

The Committee on Memorials and Petitions to whom was referred

the petition of Walter Allen, find that there is no positive assurance nor does it appear to their satisfaction, that the certificates left by Mr. Allen, are not now in circulation, Your Committee are therefore of opinion that the said petition be rejected.

JOHN TIPTON, Ch.

The House taking the foregoing reports into consideration, resolved that they do concur therewith, and ordered that they be sent to the House of Commons.

Received from the House of Commons the Bill for establishing a town on the lands of Andrew Bass, and

The Bill for establishing a Town on the lands late the property of William Petty, adjoining Chatham Court House, as laid off by the Trustees named in the act of the last General Assembly, entitled "an act for establishing a Town on the land of Mial Scurlock, deceased, in Chatham County," for appointing Commissioners for the regulation of the towns & repealing said act. Each endorsed in the House of Commons, "read the third time and passed."

Ordered that these bills be read ; which, being read, were passed the third time and ordered to be engrossed.

Received likewise the bill vesting certain lands therein mentioned in John Colson, son of William Colson, in fee simple. Endorsed, "read the second time and passed."

Ordered that this Bill be read ; which, being read, was passed the third time and returned.

Received also a Bill for improving the navigation to New Bern. Endorsed, "read the first time and passed."

Ordered that this Bill be read ; which, being read, was passed the first time and returned.

Received from the House of Commons the Bill to compel certain officers therein mentioned to publish the application of the public monies and allowances for Insolvents. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this Bill lie on the table until Tuesday next, and that it then be read for the second time in this House.

Adjourned till Monday morning 10 O'clock.

Monday, December 11th, 1786.

The House met.

On motion of Mr. Harget, seconded by Mr. Stone, resolved that, whereas, the General Assembly have received information that a

number of Horses, the property of persons now in confinement in the Town of Fayetteville, are running at large, and that the negroes lately taken in custody by the sheriff of Dobbs County, in consequence of a resolution entered into by this General Assembly, are suffering in jail—

Resolved, therefore, That the sheriff of Dobbs County be and he is hereby directed to take into his possession and safe keeping the whole of the Horses belonging to John Price and William Faircloth; the whole of the movable property belonging to Simon Totevine, Thomas Butcher and Nathan Lassiter, and also all the Horses rode to this place belonging to persons now in confinement, supposed to have been guilty of passing fraudulent accounts; that he likewise release from confinement such of the negroes committed to the jail of his County, pursuant to the resolution aforesaid, as he shall judge unequal to the bearing the hardships of confinement; the whole of which property the said sheriff is hereby required safely to keep until he shall receive further orders relative thereto from the General Assembly.

Sent for concurrence.

Received from the House of Commons the report of the Committee of Propositions and Grievances, to whom was referred the claim of Morgan Brown. Endorsed in the House, "read and concurred with." Which, being read, was concurred with and returned.

Received likewise the report of the Committee to whom was referred the Petition of the Rev. James Tate. Endorsed in the House of Commons, "read and concurred with." Which, being read, was rejected; whereupon—

On motion of Mr. Gillispie, resolved that, whereas, it appears to this General Assembly a certificate granted by the Commissioners of Army Accounts to the Rev. James Tate for the sum of three hundred and fifty-eight pounds for his services as chaplain in the late Continental Army, and which remain the property of Mr. Tate, was consumed by the late fire in Wilmington, and is now wholly lost, therefore—

Resolved, That the Treasurer pay unto the Rev. James Tate the sum of Eighty-nine pounds ten shillings, being the one-fourth part of the certificate lost, and that the Comptroller issue to Mr. Tate a certificate for the other three-fourths for which this shall be their Warrant.

Ordered that the foregoing message, with the following resolution, be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have received and rejected the report of the Committee of Propositions and Grievances on the Petition of the Rev. James Tate, and propose the Resolution herewith sent you in lieu thereof.

The foregoing resolution being objected to, on motion of Mr. Lewis, it was ordered that the yeas and nays be taken thereon, which were as follows, to-wit. :

For passing such resolution : Messrs. Thomas Armstrong, Jordan, Bonner, Genl. Gregory, Messrs. Eaton, Gillispie, Clinton, General Rutherford, Messrs. Harget, Relfe, Stone, Genl. McDowell, Messrs. Jones, Riddick, Mitchell, Harris, Hines, and Martin—18.

Against the Resolution : Messrs. Sharpe, Battle, Medlock, Tipton, Macon, McCawley, Alexander, Moore, Whiteside, Mayo, Griffin, Lewis, Stokes, Gowdy, and Bledsoe—15.

So the resolve was adopted and sent to the House of Commons for concurrence.

Mr. John Allen Campbell, the member for the County of New Hanover, appeared, presented his certificate, qualified agreeably to law & took his seat.

Received from the House of Commons a resolution of that Body in favor of Matthew Moseley, which, being read, was concurred with and returned.

Mr. Hines presented the Memorial of Jephtha Ferrell, which, being read, was referred to the Committee on Petitions and Memorials & sent to the House of Commons.

Mr. Stokes presented the Petition of Cornelius Robinson, which, being read, was rejected.

Mr. Hines presented the Petition of John Hinton, which, being read, was referred to the Committee on Memorials and Petitions & sent to the House of Commons.

Received from the House of Commons the Bill for dividing the County of Bladen. Endorsed, "read the first time and passed."

Ordered that this Bill be read ; which, being read, was, on motion of Mr. Brown, referred to a Committee. The members chosen on the part of this House : Messrs. Medlock, Thomas Armstrong,



and Gillispie. Whereupon, ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We propose that the propriety of passing into a law the bill now before this Assembly for dividing Bladen County, be submitted to the consideration of a Committee, and have on our part appointed Messrs. Medlock, Thomas Armstrong, and Gillispie a Committee who will act jointly with such of your body as may be appointed for this purpose.

Mr. Tipton, from the Committee to whom was referred the Petition of David Ross, delivered in the following report, which, being read, was rejected.

General Rutherford presented the Memorial of Sarah Rounsavall, which, being read, was referred to a special Committee. The members chosen on the part of this House: Messrs. Macon and Harris.

Received from the House of Commons a resolution of that body of the 9th Inst., allowing Reuben Grant the sum of ninety pounds, which, being read, was concurred with and returned.

Mr. Gallaway moved for leave and presented a Bill permitting the Emancipation of slaves under certain regulations therein mentioned, which was read the first time, passed and sent to the House of Commons.

Mr. Harget delivered in the following report, to-wit :

Your Committee to whom was referred the Petition of Matthew McClure, having taken the same under consideration, beg leave to report—

That it is the opinion of your Committee the articles furnished by Mr. McClure for the use of the Continental Hospital at Charlotte could not be furnished on public faith, which induced him to advance a considerable sum of his own money, in consequence of which he has been prevented from discharging a debt previously transacted, and for which he is now sued and Execution issued against his estate.

Your Committee therefore recommend, as Mr. McClure is possessed of a Comptroller's certificate for the sum of one thousand seven hundred and thirty-three pounds, that his Excellency the Governor issue a warrant on the Treasury in favor of said Mr. McClure

for four hundred pounds of the above mentioned sum, and that the Comptroller receive into his office the certificate last mentioned and grant him another for the balance which shall then appear due.

FREDERICK HARGET, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

The Gentlemen appointed to examine the State prisoners being now ready to report, we propose that both Houses meet immediately in the Room where the Commons sit to receive their report, and to confer together on the measures necessary to be taken on the contents thereof.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the two Houses meet in conference as by you proposed, to receive the report of the Committee appointed to examine the State prisoners, &c.

On motion, the House now proceeded to the conference room, where the Speakers of the two Houses and the members of the General Assembly having taken their seats, General Rutherford presented to the Speakers the following report, to-wit :

The Committee to whom was referred the examination of the State prisoners beg leave to report—

That they have on Oath examined the persons whose names are herein inserted, and whose depositions for the information of the General Assembly are subjoined and numbered, vizt :

- |                           |                       |
|---------------------------|-----------------------|
| No. 1. William Faircloth. | 7. John McNees.       |
| 2. Thomas Butcher.        | 8. John Sheppard.     |
| 3. William Andrews.       | 9. Benjamin Sheppard. |
| 4. James Homes.           | 10. John Macon.       |
| 5. Sherrod Barrow.        | 11. Andrew Armstrong. |
| 6. Arthur Pierce.         | 12. Burwell Mooring.  |

Your Committee are of opinion from the depositions marked and numbered as above, as well as from many other circumstantial Evi-

dences they have had, that many wilful frauds have been committed by sundry persons in procuring soldiers' accounts—not only by forging the same and the orders, but wickedly employing by large rewards sundry others to write false accounts and orders whereby they might be able to obtain monies from the public Treasury of this State.

Your Committee beg leave to suggest that it is their opinion from Testimony given in that the late Commissioners for Army accounts were sensible that very large numbers of the accounts to them produced for settlement ought by them to have been rejected, which your committee find they have not done, and for which in their opinion they stand highly reprehensible.

Your Committee find that the Treasurer of this State was sensible that many of the accounts passed by the Commissioners aforesaid were obtained in an illegal manner; that he at first did honestly and laudably refuse to pay off the due Bills; but your Committee since find he, through his clerks, Absalom Tatom and Anderson Hunt has paid off nearly as many of the due Bills as he had money to discharge, and hath also made a deduction from five to twelve and a half per cent for so doing, whereby he stands chargeable, in the opinion of this Committee.

Your Committee beg leave to remark, that they find by the papers marked and numbered 6 and 7, that Benjamin McCulloch and Henry Montfort have previous to the passing the act of Assembly for reviving the Board for settling Army accounts, as well at New Bern as elsewhere contracted and agreed with sundry individuals to pass their claims through the office for the one-fourth and more and that a receipt hath been given by Benjamin McCulloch to John McNees, wherein he actually promises to have sixteen or seventeen accounts passed. Your Committee are of opinion that such contracts were unjust, and it appears that it was predetermined by the said Commissioners to pass the accounts as well as all that could be purchased (as you will find by the deposition No 6), whether the act for reviving the Board of Commissioners had been passed or not.

Your Committee find by the depositions marked No. 1, 2, 5, 6, 7, 8, and 12, that Benj. McCulloch hath asked and actually received the one third, and in some instances one-fourth part of the amount of the accounts for passing them in the Commissioners office & for

drawing the money, whereby he has purloined a property to a very great amount, and that altho' the said McCulloch did promise to procure and draw the monies for the due Bills which he passed, yet your Committee find that the individuals have been obliged to give ten and twelve per centum for drawing the same from the Treasury Office. Your Committee in their investigation of the conduct of the Commissioners, have not discovered that John Macon, one of that Board hath at any time received either part of those fraudulent accounts or other reward for passing the same.

Your Committee have it not in testimony that Colonel Archibald Lytle or Major Reading Blount, who have signed the greater part of the fraudulent accounts, have received any gift or reward for the same, or have been promised any.

Your Committee have it in testimony, that Capt. John McNees hath signed almost the whole of the fraudulent accounts, and that he hath done the same, knowing them to be such. That he hath signed many accounts while they were blank for sundry persons, and that he hath also furnished orders for drawing the same from the Commissioners Office.

Your Committee have it in testimony that Captain Jesse Read, of Halifax, did sign twenty blank Soldier's accounts for Captain Sherrod Barrow, the principal part of the same being for the war, for which service the said Barrow did give him two Military land warrants for six hundred and forty acres each.

Your Committee in order more clearly to show the conduct that hath been pursued by the different persons concerned in those disgraceful transactions, and to discover to the General Assembly in whose hands the monies have rested, beg leave to state the proceedings on the accounts of William Faircloth as an instance, vizt :

|                                                    |        |    |      |
|----------------------------------------------------|--------|----|------|
| We find that he hath laid accounts before the      |        |    |      |
| Commissioners to the amount of.....                | £71369 | /  | 7 11 |
| That the Commissioners have deducted for passing   |        |    |      |
| the same.....                                      | 23780  | 15 | 11   |
| There will then remain for Mr. Faircloth in due    |        |    |      |
| Bills and Certificates .....                       | 47579  | 11 | 11   |
| Deduct a fourth of the same, the amount of the due |        |    |      |
| bill part. . . . .                                 | 11894  | 17 | 11   |
| Then deduct 10 per centum for the Treasurer for    |        |    |      |
| paying.....                                        | 1189   | 9  | 9    |

You will then find that Mr. Faircloth, out of £17842

/6 11d, the money part of his account rendered,

hath drawn only .....£ 9705 / 8 2

There then remains in the hands of the Commis-

sioners in Certificates..... 17842 6 11

And in money ..... 5947 8 11

All which is submitted.

GRIFFITH RUTHERFORD.

ISAAC GREGORY.

WILLIAM POLK.

A. NEALE.

On motion, the two Houses now formed themselves into a committee of the whole, and made choice of Elisha Battle, Esquire, as Chairman; whereupon the foregoing report, together with the depositions alluded to were read, and the report was concurred with by the committee.

Thereupon it was resolved that Messrs. Maclaine, Hay, Davie, Hawkins, and Hooper be a Committee to state and arrange the testimony in the depositions laid before the Committee of the two Houses by the Committee appointed to examine the prisoners & to which their report refers.

The Speakers now on motion resumed their chairs, when Mr. Chairman made report of the proceedings of the Committee as above set forth; the Senate then retired, and on coming into their room on motion Mr. Speaker resumed the Chair;

When, on motion of General Rutherford, Mr. Benjamin McCulloch, the member for the County of Halifax (then absent in town) was sent for, and on his appearing was called on and heard in his defence touching those matters and things whereof he stands accused in the report of the Committee for examining the State Prisoners, this day entered on the Journal. When failing to exculpate himself and clear up his character to the satisfaction of the House, it was resolved that his seat as a member of this House be vacated, and that he be expelled therefrom.

Received from the House of Commons a Bill to annex a part of the County of Granville to Warren. Endorsed, "read the first time & passed."

Ordered that this bill be read, which being read the first time, was passed and returned.

Received likewise the petition of Elizabeth Shaw. Endorsed in the House of Commons, "read and referred as by the Senate."

Received also the resolution of this House of this day relative to certain Horses, the property of State Prisoners now in Fayetteville, and also to certain negroes in the jail of Dobbs County. Endorsed in the House of Commons, "read and amended by inserting the name of Thomas Butcher, and concurred with." Whereupon, ordered that the name of said Thomas Butcher be inserted in the resolution as entered on the Journal of this House, which was accordingly done.

Received from the House of Commons the report of the Committee of Memorials and Petitions on the Petition of Nathaniel Tooley. Endorsed, "read and concurred with."

Received likewise the Bill to direct the method to appoint Jurors and Surveyors to run out disputed lands. Endorsed in the House of Commons, "read the first time & passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

The several matters to this day postponed, the House  
Adjourned till to-morrow morning 10 o'clock.

Tuesday, December 12th, 1786.

The House met.

Received from the House of Commons the report of the Committee of Memorials and Petitions on the Memorial of James Lockhart, and the report of the said Committee on the petition of William Hollowell, respectively endorsed "read and concurred with."

Received also the Memorial of the Executors of Robert Hogg, deceased, Endorsed in the House of Commons "read and referred to the Committee of Claims", which being read was referred in like manner and returned.

Received likewise the resignation of William Moore, Justice of the Peace for Burke County, Endorsed "read and accepted" which being read was accepted and returned.

Received from the House of Commons the Petition of sundry persons purchasers of lands from Henry E. McCulloch, Endorsed "read and referred to the Committee on Petitions and Memorials" which being read was referred in like manner and returned.

Received likewise the bill to prevent the appointing too great a number of Justices of the Peace, and to compel the clerks of the several County Courts in this State to make return as herewith directed. Endorsed in the House of Commons "read the first time and passed."

Ordered that this Bill be read, which being read was on motion of Mr. Battle, by him withdrawn for amendment.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have appointed Mr. Cabarrus and Mr. Martin to examine the prisoners, &c., in the room and stead of Mr. Polk and Mr. Neale.

Ordered that Mr. Gillispie and Mr. Harget be appointed on the part of this House for the last mentioned purpose, and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate have on their part appointed Mr. Gillispie and Mr. Harget to examine the State prisoners, in the stead of Generals Rutherford and Gregory.

On motion of General Rutherford the House resumed the Consideration of the Petition of John McNeil, which being read was referred as by the House of Commons, vizt.: To the Committee on Memorials and Petitions and sent to the Commons.

Received from the House of Commons a resolution of that body of yesterday directing the Committee for examining the State prisoners to furnish His Excellency the Governor with the names of such prisoners as they deem proper to be admitted to bail; to furnish him likewise with the names of such now at large, who have been criminated before them, and declaring the approbation of the General Assembly as to the conduct of the said Committee in committing to close confinement Mann Phillips, &c., which being read was concurred with and returned.

Mr. Thomas Wynns, the member for the County of Hertford, appeared, presented his certificate, was qualified agreeably to law and took his seat.

Received from the House of Commons a Bill to amend an act entitled "an act to amend an act entitled an act for ascertaining what property in this State shall be deemed taxable property, the method

of assessing the same and collecting public taxes." Endorsed in that House "read the first time & passed."

Ordered that this Bill be read, which being read was passed the first time and returned.

Mr. Gillispie presented a Bill to confirm unto Richard Dobbs Spaight an indefeasable title to certain lands therein mentioned in Bladen County, which was read the first time, passed & sent to the House of Commons.

Received from the House of Commons the bill to release the estate of John Anderson, deceased, from a Forfeiture of Recognizance entered into for the appearance of a certain John McCrory before the Superior Court of Salisbury District, Endorsed in that House "read the third time and passed."

Ordered that this Bill be read, which being read was passed the third time and ordered to be engrossed.

Pursuant to the Order of the day the Bill to compel certain Officers therein mentioned, to publish the application of the public monies and allowances for insolvents was read the second time, amended, passed and sent to the House of Commons.

Mr. Stokes presented the Petition of John Randle, which was read, referred to the Committee of Propositions and Grievances and sent to the House of Commons.

Received from the House of Commons the Memorial of Jephtha Ferrell and the Petition of John Hinton respectively endorsed, "read and referred as by the Senate."

Received likewise the Memorial of William Wood, endorsed "read and referred to the Committee of Claims" which being read was referred in like manner and returned.

Received also the following message :

Mr. Speaker and Gentlemen :

We propose that the General Assembly proceed on Saturday next at 3 o'clock to ballot for the place at which the next General Assembly shall be held, for a Governor, Delegates to represent this State in Congress and a Treasurer.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the General Assembly ballot at the time by you



proposed for a Governor of this State, Continental Delegates, the place where the next Assembly shall be held ; and put in nomination for Governor the Honorable Richard Caswell, Esquire; for Delegates to represent this State in Congress Abner Nash, Alexander Martin, Timothy Bloodworth, Nathl. Macon, Robert Burton, William Blount & John B. Ashe, Esquires; and

For the place where the next Assembly shall be held the towns of Hillsborough, Fayetteville, Tarborough, Warrenton, NewBern, Salisbury and Edenton.

It is not the sense of this House that a public Treasurer be balloted for at the time by you proposed.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We agree that the propriety of dividing Bladen County be submitted to a Committee, and have on our part for this purpose appointed Messrs. Dixon, Rhodes, Bloodworth, McDowell and Phifer.

Received from the House of Commons the report of the Committee to whom were referred the state of representation in Congress and the letters from the Delegates. Endorsed in the House of Commons "read and concurred with" which being read was concurred with and returned.

Received at the same time a Bill for the better and more punctual payment of the salaries of the Delegates in Congress. Endorsed in the House of Commons "read the first time and passed."

Ordered that this Bill be read, which being read was passed the first time and returned.

Received also, a Bill to emancipate Hannah, alias Hannah Bowers, a person of mixed blood belonging to the estate of the late Alexander Gaston, deceased.

A Bill for reprinting and publishing the acts of Assembly of this State.

And an additional bill to an act entitled an act for the regulation of the town of NewBern, and for other purposes respectively, endorsed in the House of Commons "read the first time and passed."

Ordered that these Bills be read, which being read were each of them passed the first time & returned.

On motion of General Rutherford, seconded by Mr. Herritage, Resolved, that His Excellency the Governor, be and he is hereby

authorized and required to issue his proclamation, offering a reward of one hundred pounds current money for the apprehending and delivering up to justice a certain John Pierce, late of Dobbs County, accused of sundry crimes and practices tending as well to injure the public credit as to rob the Treasury of money. Resolved further, that this proclamation be made public as well in the States of Virginia, South Carolina and Georgia as in this State.

Sent to the House of Commons for concurrence.

Received from the House of Commons a Bill for levying a tax in the District of Edenton for building the jail of the said District. Endorsed "read the first time and passed."

Ordered that this Bill be read, which being read was amended, passed the second time and returned.

Adjourned till to-morrow morning 10 O'clock.

Wednesday 13th December, 1786.

The House met.

Received from the House of Commons a bill to erect and establish an Academy in the County of Franklin. Endorsed "read the first time and passed."

Ordered that this Bill be read, which being read was amended, passed the second time and sent to the House of Commons.

Received likewise the resignation of Thomas Bloodworth as Colonel and as one of the Justices of the Peace of the County of New Hanover. Endorsed in the House of Commons, "read and accepted." Which, being read, was accepted and returned.

Received also a Bill for erecting a prison in the County of Franklin. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was amended, passed the second time & returned.

Received from the House of Commons the resolution of that body of yesterday directing the Committee appointed to examine the State prisoners, to inquire whether blank land warrants have at any time been issued from the secretary's office, and directing them also to inquire into other supposed abuses therein mentioned, which, being read, was concurred with and returned.

Mr. Harget presented the Petition of John Beck, which, being read, was referred to a special Committee. The members chosen on the part of this House: Messrs. Mooring and Herritage.

Received by way of the House of Commons a message from His Excellency the Governor relative to certain resolutions of Congress in favor of Colonel Stephen Moore. Endorsed in the House of Commons, "read and referred to a joint Committee. The members appointed on the part of this House: Messrs. Spaight, Hooper, Blount, and Sitgreaves." Which, being read, was on the part of this House referred to Messrs. J. Armstrong, Macon and Mitchell, and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We have added to the nomination for delegates by you made James White, William Walters, Stephen Moore, John Steele, Thomas Polk, and James Holland, Esquires.

General McDowell presented the petition of William Wofford, which, being read, was referred to a special Committee, and sent to the House of Commons. The members chosen on the part of this House : Messrs. Hill, Riddick, Martin and Hines.

On motion of Mr. Harget, ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We propose that the resolution of the General Assembly of the 11th Instant sent you relative to certain Horses and other property, be amended by deleting the word *by* in the sixteenth line of the first page thereof, and inserting the words *belonging to* in the place thereof. Our wishes on this head have been occasioned by a representation that several Horses are now in this Town, the property of those mentioned in the said resolve, which the sheriff, as that resolve now stands, is not authorized to seize on.

Mr. Medlock, from the Committee appointed to report on the propriety of dividing Bladen County, delivered in the following report, to-wit :

The Committee appointed to take into consideration and report the most eligible manner of dividing Bladen County report as follows, vizt: Beginning in Drowning Creek, where South Carolina crosses the same, thence up the middle of said Creek to the mouth of the great Swamp, thence a direct line to a point on the main road called McKissick's road, five miles westerly of the Bridge in

said Great Swamp (the said five miles to be laid off as the road goes), thence running a straight line to Cumberland County, touching at Stewart's Mill, but leaving it to Bladen.

All which is submitted.

CHARLES MEDLOCK, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, & ordered that it be sent to the House of Commons.

Mr. Macon, for the Committee, delivered in the following report, to-wit :

The Committee to whom was referred the impeachment of certain Justices of Franklin County by Thomas Brickell report—

That on examining<sup>d</sup> the papers and other documents, together with the testimony adduced, as well to support as to extenuate the charge, and considering the nature and amount of the accusation, the unprecedented and singular nature of the case, and the fatal consequences attending a conviction are induced, therefore to solicit the indulgence of the House, that they may be permitted to state the facts as appeared on the investigation and to decline giving an opinion on a matter of such considerable importance and delicacy.

It appeared to your Committee from Indubitable testimony that the County Court of Franklin at their session in June last, did adjudge that Green Hill, who then acted as Clerk to said Court, under an appointment made at the preceding December Court, was unconstitutionally appointed, as it was<sup>e</sup> proved that at the time of his Election he was in arrear to the State as late Treasurer of the District of Halifax ; that on a question whether the Court should then proceed to appoint another clerk, they were divided ; and it further appears to your Committee that from the record of said Court that the persons named in the Impeachment are those who voted in the negative on that question.

It also appeared to your Committee, from testimony, that the Court were led into that adjudication by a firm persuasion and belief that, as Green Hill had been elected, had given Bond and security and acted under that appointment six months, it was not in their power to wrest the office out of his hands ; and that they were particularly led to this belief by the words of the Constitution, in which it is said that appointment of offices of that kind shall

be held during good behavior, and that no person shall be deprived of his life or property, and of consequence his office, but by a jury of his Peers.

All which is submitted.

JOHN MACON, Ch.

The foregoing Report was read, whereupon the House ordered the following resolution entered on the Journal, and to be sent to the House of Commons for concurrence, to-wit :

The report of the Committee to whom was referred the impeachment by Mr. Thomas Brickell against certain Justices of the Peace of Franklin County being read, the record of the said Court relative to the matters contained in the said impeachment being also read, and sundry witnesses being called on and examined, the House resolved as follows, to-wit :

Resolved, That it appears to this House that six months after the appointment of Green Hill to be Clerk of Franklin County Court the following Justices, to-wit, Henry Hill, Benjamin Seawell, Seth Mabry, Thomas Arrendale, Thomas Sherrod and Jenkins Devaney, did acknowledge that the said Green Hill was not eligible to that office at the time of his appointment, and that the said Justices did refuse to proceed to the appointment of another Clerk, which this House think justifiable in them, as the fact charged against the said Green Hill of his being a holder of public money was not found by a jury, without which they could not remove the said Green Hill from office ; and it appears that at the time of Green Hill's being appointed the Court knew not that he was ineligible.

Sent for concurrence.

On motion of General Rutherford, seconded by Mr. Macon—

Resolved, That the Honorable Timothy Bloodworth and James White, Esquires, be and they are hereby requested to give this Assembly such information from Congress as they may think worthy the attention of the Legislature, and which hath not been already officially laid before them, on Friday next, when they will meet in conference at 10 o'clock in the forenoon.

Sent for concurrence.

Received from the House of Commons the resolution of this House of yesterday requesting His Excellency the Governor to offer a Re-

ward of one hundred pounds for the apprehending a certain John Price, of Dobbs County. Endorsed, "read and concurred with."

Mr. Campbell presented the resignation of George Myrick, of New Hanover County, as Justice of the Peace for said County, which was read, accepted and sent to the House of Commons.

Received from the House of Commons the petition of John Randle. Endorsed, "read and referred as by the Senate."

Received likewise the petition of William Wofford. Endorsed, "read and referred to Messrs. McDowell, Vance, Perkins, McKissick and Sloan."

Received also the petition of Henry Purss. Endorsed, "read and referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

Received also the resignation of Needham Bryan as one of the Justices of the Peace for the County of Johnston. Endorsed in the House of Commons, "read and accepted." Which, being read, was accepted and returned.

Received from the House of Commons a Bill to erect a District Court of Law and Equity at Fayetteville. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received likewise the Resolution of this House of the 11th Instant in favor of the Rev. James Tate. Endorsed in the House of Commons, "read and concurred with."

Received also the following message :

Mr. Speaker and Gentlemen :

We agree to the alteration by you proposed to be made in the resolve of the 11th Instant.

This message being read, it was ordered that the alteration be accordingly made in the said Resolution as entered on the Journal of this House.

Received from the House of Commons the Petition of William F. Lewis. Endorsed, "read and referred to the Committee on Petitions and Memorials." Which, being read, was referred in like manner and returned.

Mr. McCawley presented the Petition of James Christian, which,

being read, was referred to the Committee on Petitions and Memorials, and sent to the House of Commons.

Mr. Harris presented the Memorial of Thomas Harris, formerly sheriff of Mecklenburg County, which, was read, referred to the Committee appointed on the petition of Sarah Rounsavall, and sent to the House of Commons.

Received from the House of Commons a Bill to establish the late survey and Plan of the Town of Tarborough, as made and laid down by the direction of the Commissioners composing the body politic & corporate of the said town ; and to amend an act entitled "an act for the better regulation of the Town of Tarborough." Endorsed, "read the first time and passed"

Ordered that this bill be read which being read was passed the first time & returned.

Received likewise the Petition of Sarah Rounsavall. Endorsed in the House of Commons, "read and referred to Messrs. Frohock, Alexander and Carson."

Received also a Bill for extending the Boundary line between this State and the State of South Carolina. Endorsed, "read the first time and passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have received and considered the report of the Committee on the Petition of Matthew McClure, which we have not concurred with, but propose that it be recommitted ; and as Mr. McClure's is a claim against the United States, which ought to be settled by a commissioner appointed by Congress, we propose further that the Committee propose a sum of money to be advanced him on loan, which he shall account for, and pay after he shall make such settlement.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the report of the Committee of the Petition of Mat-

thew McClure be recommitted, and that the Committee be directed to report him a sum of money on loan, as by you proposed.

Adjourned till to-morrow morning 10 O'clock.

Thursday, December 14th, 1786.

The House met.

Received from the House of Commons a Resolution of that Body of yesterday, relative to a Horse, said to be the property of a Captain Martin, of Maryland, which being read, was rejected.

Mr. Gillispie presented the petition of Nathan Lassiter and Simon Totevine, which being read, was ordered to lie for consideration.

Mr. Battle delivered in the following report, to-wit :

Your Committee to whom was referred sundry petitions from the Inhabitants of Washington, Sullivan and Greene Counties report—

That, impressed with a sense of the sufferings of those people during the anarchy which has long prevailed among them, they beg leave to suggest the necessity of extending to them the Benefits of Government and protection, and that they be assured they will neither be neglected nor discarded by their Brethren on this side the mountains, but that they shall remain secure in regard to liberty and property.

Your Committee are further of opinion that the numbers and wealth of those Counties will by no means enable them as yet to support a separate government, and that therefore the Legislature of North Carolina cannot accede to a separation at this period, without at once abandoning a considerable number of her worthy citizens to ruin and distress.

It appears to your Committee that some designing persons in that Country have so far deluded many of the citizens as to make them wish a separation under an Idea that they, by the act of cession passed in June, 1784, were forever secured from this Government and its protection, and would be an emancipation from slavery. This Notion pervaded the minds of a majority for some time, while led on by a blind infatuation ; but when they had time to reflect they clearly discovered that they were equal partakers with the rest of the State in the mild influence of its Constitution and Laws and were equally represented in its Councils.

Your Committee further beg leave to represent that while anarchy prevailed in the Counties of Washington, Sullivan and Greene vari-



ous acts were done under the authority of the supposed State of Franklin, which were not strictly right and consonant to the Laws of this State, and the persons promoting the same have become highly reprehensible ; but as great contentions and animosities would arise among the different classes of people in that Country, should those offences be punished, your Committee beg leave to suggest the necessity of passing an act or acts of oblivion, so as to conciliate and quiet the minds of those who may have, through Blindness or passion, acted thus unguardedly ; Provided, the said act or acts do not extend to confirm any law proceedings in civil suits, but that the same may be received in the Courts of Common law.

Your Committee beg leave to report as their opinion that the Citizens of Washington, Sullivan and Greene be required to pay the arrears of taxes due from them previous to the Commencement of the interregnum of Goveanment in that part of the State, and that they be released from the payment of any taxes which have become due for the years 1784 and 1785. Your Committee are induced to make the last recommendation from a Conviction that during that period those people were much oppressed, and as they enjoyed none of the benefits of Government, they ought not in Justice to be taxed with its burthens.

Your Committee beg leave to recommend the most friendly intercourse between the Citizens of this State on the eastern and western waters; but above all, that the faction and discord which have too long prevailed may be no longer suffered to have an existence in the Western world. This your Committee conceive is to be effected by extending friendly protection to those whose habitations are west of the Apalachian Mountains.

Your Committee beg leave to suggest, that altho' a separation is at this time impracticable, yet whenever the wealth and numbers of the Citizens on the western waters so much increase as to make the same necessary, that then we are free to say a separation may take place upon friendly and reciprocal terms and under certain Compacts and Stipulations.

ELISHA BATTLE, Ch.

The foregoing report being read was amended, entered on the Journal and concurred with as entered.

Mr. Herritage presented the Petition of Benj. Exum, which was

read, referred to the Committee of Memorials and Petitions & sent to the House of Commons.

Received from the House of Commons a resolution of that Body of yesterday allowing certain persons employed under Major McKinnie and Captain Dodd, in apprehending certain persons of Dobbs County, guilty of embezzling the public monies, the several sums therein expressed ; which was read, concurred with and returned.

Received likewise the resolution of this House of yesterday requesting the Honorable Timothy Bloodworth and James White, Esquires, to give information as therein mentioned. Endorsed "read and concurred with."

On motion of General Rutherford, seconded by Mr. Williams, the House resolved as followeth, vizt.:

Whereas a number of persons have been cited to this place as witnesses, pursuant to a resolution of the present General Assembly; and it being just and right that such persons should have their necessary expenditures paid them;

Resolved, That His Excellency the Governor, be and he is hereby authorized to grant a warrant on the Treasury in favor of such persons as he may appoint, for such sum as may be deemed necessary to pay off and settle with all such witnesses so cited as aforesaid, at the rate of ten shillings per day, calculating on the time they have and will necessarily be on the road as well as on such time as they are detained here ; and it shall be the duty of the person so appointed to pay off and settle with all witnesses who shall produce to him proper certificates of their having been cited and attended as aforesaid, taking their receipts for the sums respectively paid them; which receipts shall be sufficient Vouchers for such person to settle his account with a Committee of this Assembly before the rising of the present Session, and

Resolved further, that the person so appointed and paying as aforesaid, shall be allowed an adequate compensation for his previous service by the General Assembly on the settlement of his accounts. Sent for concurrence.

Received from the House of Commons a bill to prevent long and extensive credits. Endorsed "read the first time and passed."

Ordered that this Bill be read, which, being read, was passed the first time and returned.

Mr. Lewis presented the Petition of Memucan Hunt, Esquire, public Treasurer, which being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

In consequence of the Petition of Memucan Hunt, Esquire, public Treasurer, herewith sent you, we propose that the General Assembly meet in Conference on Saturday the 23rd Inst. in order to hear Mr. Hunt in his defence, as to those matters and things where-with he stands charged in the report of the Committee, appointed to examine the State prisoners and the depositions by them handed therewith. We also propose that the clerks be directed to furnish Mr. Hunt with copies of such parts of the depositions alluded to as tend to validate the charges contained in the said report against him.

Received from the House of Commons the Memorial of Thomas Harris, (Sheriff). Endorsed, "read and referred as by the Senate."

Received likewise the resignation of George Myrick as Justice of the Peace. Endorsed, "read and accepted."

Received also the Petition of James Christian. Endorsed, "read and referred as by the Senate."

On motion of Mr. Williams the House resolved as follows, vizt.:

Resolved, That the Committee for examining the State prisoners be, and they are hereby authorized from day to day to discharge such persons attending here as witnesses whose further attendance they shall deem unnecessary. Sent for concurrence.

Received from the House of Commons the additional Bill to an act entitled "an act to amend an act passed at New Bern the first day of December, 1766, entitled an act for establishing a School House in the town of New Bern." Endorsed, "read the third time and passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received likewise the Bill to amend an act for dividing Guilford County. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Received also, a Resolution of the House of Commons of this date

for examining prisoners as shall be directed by the Committee appointed to state and arrange the Testimony already delivered in to this Assembly against sundry persons, which, being read, was concurred with and returned.

Received from the House of Commons the petition of John Beck. Endorsed, "read and referred to Messrs. McKinnne, Dodd and Whitfield."

General McDowell moved for leave and presented a Bill to consign to oblivion the misconduct of the Inhabitants of Washington, Sullivan and Greene, and for other purposes therein mentioned, which was read the first time, passed & sent to the House of Commons.

Received from the House of Commons a Bill to render amenable to law and to secure their estates, so as to be answerable to the Justice of the General Assembly, persons therein mentioned accused of certain crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to certain Resolutions of this Assembly from vexatious suits and prosecutions; and to establish a Board for the detection and further discovery of the said fraudulent practices, & for settling and liquidating the accounts of the Officers and Soldiers of the Continental Line. Endorsed, "read the first time and passed."

Ordered that this bill be read, which, being read, was passed the first time and returned.

Received likewise a Bill to impose a duty on all slaves brought into this State by Land or Water. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which, being read, was passed the first time and returned.

Received also the following message :

Mr. Speaker and Gentlemen :

We request the attendance of Mr. Macon, one of your Body, in order to give Testimony to this House, respecting Mr. Montfort's conduct as Commissioner of Army accounts.

Mr. Macon pursuant to this request attended the House of Commons.

Received from the House of Commons the Bill for establishing an Academy at the place now called Martinborough, in the County

of Pitt, and for altering the name of Martinborough to that of Greenville. Endorsed, "read the second time, amended & passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Received likewise the Bill for the Inspection of Tobacco at Anson Court House. Endorsed in the House of Commons, "read the second time, amended & passed."

Ordered that this Bill be read, which, being read, was amended, passed the second time and returned.

Received also, the Bill to alter the mode of punishing Horse Stealing. Endorsed in the House of Commons, "read the third time, amended & passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

The passage of this Bill being objected to the yeas and nays were required by Mr. Hill, seconded by Mr. McCawley, and were as follows, vizt:

In favor of this Bill Messrs. Sharpe, Jordan, Battle, Ramsey, Medlock, Tipton, McCawley, Alexander, Moore, General Gregory, Messrs. Whiteside, Eaton, Mayo, Griffin, Clinton, Gowdy, Stone, Williams, Jones, Riddick, Mitchell, Gallaway, Hines, Martin, Campbell and Wynns.—27.

Against this Bill Messrs. Thomas Armstrong, Herritage, General Rutherford, Messrs. Lewis, Stokes, General McDowell, Messrs. Mooring & Hill.—8.

So this Bill was passed.

Received from the House of Commons the Bill vesting the power of establishing towns in this State in the respective County Courts. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

General Rutherford presented the Memorial of the executors of General Davidson, which being read, was referred to the Committee of Memorials and Petitions, and sent to the House of Commons.

Received from the House of Commons a Resolution of that Body of yesterday declaring that no private Bill, petition or Memorial shall be introduced in this Assembly after Monday next; that after that time the Assembly will sit and do business after night, &c.,

which being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have received and considered the resolution of your Body of yesterday, declaring that no bill of a private nature and that no petition or memorial shall be received into the Assembly after Monday next, and that after that day the two Houses will continue business by Candle Light. As to the first part of your resolve, we concur with it; but as to transacting the business of the session by Candle Light, it is a measure which we think by no means advisable, and to which we cannot by any means agree.

Received from the House of Commons the Bill for the better and more effectual payment of the salaries of the Delegates in Congress. Endorsed, "read the second time and passed."

Ordered that this bill lie on the table 'til Monday next, and that it be then read for the second time in this House.

Mr. Hargèt moved for leave & presented a Bill to vest the title of a piece or parcel of land lying in Jones County in Howell Brown & his heirs in fee simple, which was read the first time, passed and sent to the House of Commons.

Mr. Tipton moved for leave and presented a Bill for a removal of the place for holding Courts of Pleas and Quarter Sessions in the County of Washington; for appointing Commissioners to fix on the most convenient place for the same, & for other purposes therein mentioned, which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the Bill empowering Commissioners to dispose of the land and Glebe, the property of Saint John's Parish, formerly in the County of Bute (now in Franklin). Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the second time & returned.

General Rutherford presented the account and certificate relative thereto of Samuel Cross, which being read, was referred to a special Committee and sent to the House of Commons. The members chosen on the part of this House were Messrs. Macon, McCawley, General McDowell and Mr. Hill.

Mr. Herritage moved for leave and presented a Bill to repeal an

act entitled "an act to allow further time for saving Lots in the several towns within this State," so far as same relates to the town of Kinston, which was read the first time, passed and sent to the House of Commons.

General McDowell presented the Memorial and Petition of Alla Watts, whereupon the House resolved as follows, to-wit :

Read the Memorial of Alla Watts, relict of William Watts, late a soldier in the continental line of this State ; whereupon,

Resolved, That the Secretary of State issue to the heirs of William Watts, deceased, a warrant for the Bounty by law allowed in Lands to each soldier who served during the War ; provided, such warrant hath not heretofore been issued.

Sent for concurrence.

Adjourned 'til to-morrow 10 O'clock.

Friday, December 15th, 1786.

The House met.

Mr. Macon presented a Copy of the account of Green Hill, Esqr., late Treasurer of Halifax District, together with other papers, which being read, were referred to a special Committee and sent to the House of Commons. The members chosen were Messrs. Gallaway, Hines, Brown and Bledsoe.

Received from the House of Commons a Bill for altering the name of Walter Hogg and Gavin Hogg to Walter Alves and Gavin Alves. Endorsed, "read the first time and passed."

Ordered that this bill be read, which being read was passed the first time and returned.

Received likewise the Bill to amend an act passed at New Bern in December, 1777, entitled "an act directing the method of electing members of the General Assembly, and other purposes." Endorsed in the House of Commons, "read the first time and passed."

Ordered that this Bill be read ; which, being read, was passed the second time and returned.

Mr. Tipton presented a Bill for dividing the County of Sullivan, which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the Delegates of this State now attending here

be requested to reduce to writing such communications as they have to lay before the General Assembly, and that the resolve on this subject, the other day entered into, be rescinded.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the resolution of the General Assembly of the 13th Instant, requesting the Honorable Timothy Bloodworth and James White, Esquires, two of the Delegates for this State in Congress, to attend the two houses this day in the Conference room, be rescinded, and that those gentlemen be requested to lay before this Assembly in writing such matter as they may have to communicate.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the Treasurer be heard in exculpation of himself from the charges in the report of the examiners on Tuesday next, the time by you proposed being in our opinion at too great a distance. If you agree with the proposition, we will concur with yours on that subject.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

This House have received the message of yours proposing that the public Treasurer be heard in exculpation of himself as to the charges against him contained in the report of the Committee who examined the State prisoners, at an earlier day than that pointed out in their message of yesterday on this Subject, to which they do not agree.

Received from the House of Commons the report of the Committee to whom was referred the Memorial of Captain Robert Fenner, Agent for the late Continental Line of this State. Endorsed in that House, "read and concurred with." Which, being read, was laid over until Monday next.

Mr. Tipton delivered in the following report, to-wit :

Your Committee of Memorials and Petitions, to whom was referred the Petition of William Kirkpatrick, enclosing an auditor's certificate and praying an allowance for the same, report—

That as certificates of this kind have heretofore been considered



as a circulating currency, your Committee do not think themselves justifiable in stamping a greater or less value on them than that which the demand of the Public hath already fixed them at.

JOHN TIPTON, Ch.

The House, taking the foregoing report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Mr. Tipton likewise delivered in the following report, vizt.:

Your Committee of Memorials and Petitions, to whom was referred the Memorial of William Armstrong, with an order on the sheriff of Washington County for Eight Hundred Pounds Virginia money for sundry articles furnished the commissioners for extending the Boundary line, &c., report—

That they are of opinion that the prayer of the said Memorial ought to be rejected, as it does not appear to your Committee that the order above is a sufficient Voucher to assure them that a part or the whole of the money hath not already been paid.

JOHN TIPTON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, & ordered that it be sent to the House of Commons.

Mr. Gallaway, one of the Committee appointed to prepare and report, in conjunction with the Rev. Robert Andrews & John Cowper, Esquire, Commissioners on the part of the State of Virginia, the draft of a Bill for opening a navigable canal between certain waters of that and this State, moved for leave and presented a Bill for cutting a navigable canal from the waters of Pasquotank River, in this State, to the waters of Elizabeth River, in the State of Virginia, which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a resolution of that body of this date enjoining certain duties therein mentioned on His Excellency the Governor & the Committee for examining the State Prisoners, which being read, was concurred with and returned.

Mr. Whiteside presented the Petition of Timothy Riggs, which was read, referred to a special Committee and sent to the House of Commons. The members chosen on the part of this House were Mr. Macon, General Rutherford and General McDowell.

Mr. Brown presented the claim of Mr. Thomas Wright, Sheriff of New Hanover County, which being read, was referred to the Committee of Claims & sent to the House of Commons.

Received from the House of Commons the Petition of Mr. Benjamin Exum and the Petition of Mr. John Justice, respectively. Endorsed in that House, "read and referred as by the Senate."

Received by way of the House of Commons a message of this day from His Excellency the Governor, accompanied by the deposition of Robert White, Sheriff of Dobbs County, and a resolution of the House of Commons consequent thereon; which resolve being read, was rejected, and the following one adopted, to-wit:

Whereas, it is represented to this General Assembly that sundry Horses and other property belonging to Nathan Lassiter and Simon Totevine, now in confinement pursuant to a resolution of the Legislature, are in the possession of Mr. William Armstrong, of Fayetteville, and it being necessary that order be taken thereon, therefore

Resolved, That Colonel Thomas Armstrong, of Cumberland County, be and he is hereby authorized and directed to call on Mr. William Armstrong, and cause him to deliver on oath all the Horses and other property in his possession belonging either to Nathan Lassiter or Simon Totevine aforesaid, giving him a receipt, which shall be an indemnification for his so doing.

Resolved, further, That Colonel Armstrong pay unto the said William Armstrong, Tavern Keeper, the amount of his account against the said Lassiter and Totevine, agreeably to the rates established by the Court of Cumberland County, the said accounts first being legally proved.

Resolved, further, That Colonel Thomas Armstrong, in order to enable him fully to comply with the requisites of this resolution, apply to His Excellency the Governor, who is hereby authorized to grant a warrant on the Treasury in his favor, for such sum as may be necessary for the purpose aforesaid; for the due application of such money Colonel Armstrong shall account with this Assembly; and,

Resolved, further, That should the said William Armstrong refuse to deliver up as aforesaid, that then Colonel Thomas Armstrong be and he is hereby empowered to summon out a sufficient guard and apprehend and cause the said William to be brought

before some Justice of the Peace for the County aforesaid, to be further dealt with.

Ordered that the foregoing with the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

With this you will receive a resolve of this House empowering Colonel Thomas Armstrong to take into his possession sundry Horses and other property belonging to Nathan Lassiter & Simon Totevine, which we wish to substitute in place of the one by your body entered into on that head.

Received from the House of Commons the Resolution of this House of yesterday, authorizing His Excellency the Governor, to grant a warrant on the Treasury for monies & to appoint some proper person to pay to witnesses cited to appear at this place, as therein mentioned. Endorsed "read and concurred with."

Mr. Gowdy presented the Petition of a number of the Inhabitants of Randolph County in favor of Joseph Clark, which, being read, was referred to the Committee appointed to consider of & report on the Petition of Samuel Strudwick, Esquire, & sent to the House of Commons.

Received from the House of Commons the copy of the account of Green Hill, Esquire, late Treasurer of Halifax District. Endorsed in that House "referred to Messrs. W. Hawkins, Dickens and Frohock."

Received likewise the report of the Committee on the Petitions of the Inhabitants of Washington, Sullivan and Greene Counties. Endorsed in the House of Commons, "read and concurred with."

Mr. Stokes moved for leave and presented a Bill for establishing a militia in this State, which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Bill to establish a public Inspection for Tobacco in the town of Salisbury in Rowan County. Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

Received likewise a Bill for the Inspection of Tobacco at Joseph Green's, in Wayne County. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

Mr. Macon delivered in the following report, to-wit :

The Committee to whom was referred the Memorial of Mrs. Sarah Rounsavall report—

That it appears to your Committee that the husband of the Memorialist was Sheriff and Collector of public taxes in the County of Rowan for the year 1779. That previous to his making the Collection in full he was unfortunately taken prisoner by the Enemies of this Country, and died in captivity. It having also been made apparent to the Committee that the Memorialist, after the death of her husband, did proceed to make a collection of the taxes, amounting to the sum of sixty-one thousand six hundred and eighty-four pounds eight shillings and four pence. That from the confused situation of the State in general, and of that part of it in particular, at that time, the Memorialist could not get her accounts settled, altho' it appears to your Committee that she had attended for that purpose several times, and in the course of her attendance that she had the misfortune to lose some of her Vouchers ; Your Committee upon examining her account find it stands as follows, to-wit :

|                                                                                     |              |
|-------------------------------------------------------------------------------------|--------------|
| In proper Vouchers filed by the Comms.                                              | £41311 /14 0 |
| In loan office certificates receivable in taxes at that time by Resolve of Assembly | - 2070 16 0  |
| In old Continental Dollar Bills                                                     | 24 12 0      |
| In State Dollar Bills                                                               | - 2669 4 0   |
|                                                                                     | <hr/>        |
|                                                                                     | £46076 / 6 3 |

Your Committee from the best information they can possibly get are fully convinced that in the life-time of the said Rounsavall he did collect on such certificates as were receivable by law for public taxes the sum of - - £22168 / 6 4

And his Commissions on £61.684 /8 4d the whole public tax at 2 per cent. - - - 1542 1 2

Which added to the payments made by the Memorialist as above, make - 69786 13 9

Which makes a balance in favor of the Memorialist of - - - 8102 5 5

Which sum is reduced by the scale of depreciation at the time the

taxes became due, your Committee recommend be allowed her, amounting to two hundred and fifty-three pounds three shillings and ten pence specie. All which is submitted.

JOHN MACON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons

Received from the House of Commons the Memorial of William England. Endorsed, "read and referred to Messrs. Blount, Mac-laine, Winslow, Perkins and Polk." Which, being read, was referred to Messrs. Mooring, Wynns, and General Ramsey, & returned.

Received likewise the resignation of William Avera as one of the Justices of the Peace for the County of Johnston. Endorsed, "read and accepted." Which, being read, was accepted and returned.

Received also the Petition of John Beard. Endorsed, "read and referred to the Committee on Memorials and Petitions." Which, being read, was referred in like manner and returned.

General McDowell presented the Petition of the Inhabitants of the Three Creeks, in Burke County, which was read, referred to a special Committee and sent to the House of Commons. The members chosen : Messrs. Griffin, Brown, General Gregory and General McDowell.

Received from the House of Commons the Memorial of John B. Ashe and James Gray, Esquires, as Guardians of McKinne Sumner and Jackie S. Sumner, Orphans of the late Brigadier Genl. Sumner, of the Continental line of this State. Endorsed, "read and referred to Messrs. McDowell and Blount." Which, being read, was referred to Messrs. Bledsoe and Martin, and returned.

Received likewise the resolution of this House of the 13th Instant entered into in consequence of the report of the Committee to whom was referred the Impeachment made by Mr. Thomas Brickell against certain Justices of Franklin County. Endorsed in the House of Commons, "read and concurred with."

Mr. Tipton delivered in the following report, to-wit :

The report of the Committee of Memorials and Petitions on the Memorial of John Justice, Executor of the late Col. James Allen :

Your Committee, taking this Memorial into consideration, are of

opinion that the orphans of Colonel Allen are entitled to every Indulgence that can be granted them with propriety ; but, as the Committee are not possessed of sufficient Vouchers to authorize them to grant the prayer of the petition, they have thought proper to recommend it to the General Assembly to order the Treasurer to defer proceeding any further in the suit commenced against the estate of the said deceased, until he shall have further Instructions on this Subject.

All which is submitted.

JOHN TIPTON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Read the Petition of sundry of the Inhabitants of Orange and the adjacent Counties in favor of John Kimbrough ; whereupon, resolved that John Kimbrough, now confined in the jail of Hillsborough District, pursuant to a decree and sentence had against him in the Superior Court of law and equity for the District aforesaid, be released and set free from any further confinement.

Resolved, further, That in consideration of the distressed situation, to which the wife and children of the said Kimbrough would be reduced by the carrying the sentence aforesaid into Execution, the said John Kimbrough be and he is hereby exonerated and forever discharged from the Forfeiture of the one-half of his estate, as incurred by the sentence aforesaid, or of any part thereof other than the accustomed and lawful fees for which he may be in arrears in consequence of his Trial and confinement aforesaid.

Sent for concurrence.

Adjourned 'til tomorrow morning 10 O'clock.

Saturday, December 16th, 1786.

The House met.

Ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

Thro' the hurry of business a message was yesterday sent you (in consequence of your resolution of the 14th Instant declaring that no private bill, memorial or petition should be received after Monday next), not expressive of the sense of this House ; you will therefore

consider it as having been the intention of the Senate by that message to inform you that they consented to continue the daily business of the session by Candle Light, but could not agree with you in declining to receive bills, petitions, &c., after Monday next.

Mr. Tipton delivered in the following report, vizt.:

The Committee of Memorials and Petitions, to whom was referred the Petition of Colonel Benjamin Exum, setting forth that he paid certain Volunteers from Wayne County in the year 1780, and that he lost the receipt for the same in the defeat of General Gates, report—

That it appears to your Committee by the affidavits of Mr. Glasgow and Colonel Mooring that Colonel Exum did actually pay off the Volunteers aforesaid, and that they verily believe to the amount of Three thousand four hundred & forty pounds State Currency.

Your Committee therefore recommend that Colonel Exum be released from the payment of that sum and the costs of the suit commenced for the same by the Treasurer of this State.

JOHN TIPTON, Ch.

\* The House, taking this report into consideration, resolved that they concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the resolution of this House of yesterday in favor of William Watts, deceased. Endorsed in that House, "read and concurred with."

Mr. Lewis presented the Petition of William Jones which being read, was referred to a special Committee & sent to the House of Commons. The members chosen on the part of this House were Messrs. Lewis & Moore.

Mr. Lewis also presented the Memorial of George Laine Moore, which being read, was referred to the Committee appointed on the petition of William Jones, & sent to the House of Commons.

Mr. Harget delivered in the following report, vizt.:

The Committee to whom was recommitted their report in favor of Mr. Matthew McClure for a draft on the public Treasury for four hundred pounds, reconsidered the same. Report—

That it is their opinion that the said Matthew McClure be advanced by the Treasurer the sum of four hundred pounds on loan, he holding the Comptroller's certificate now in his possession

for one thousand seven hundred and thirty-three pounds as security for the same, until a final settlement is made by the United States in Congress respecting the premises.

All which is submitted.

FREDERICK HARGET, Ch.

The House, taking this report into consideration, resolved that they concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the report of the Committee on the Memorial of Wm. Armstrong. Endorsed, "read and concurred with."

Received likewise the bill for dividing the County of Bladen. Endorsed in the House of Commons, "read the second time and passed."

Ordered that this bill be read, which, being read, was passed the third time and returned.

Received also the report of the Committee of Memorials and Petitions on the Petition of Benjamin Exum, Esquire. Endorsed in the House of Commons, "read and concurred with."

Ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We propose that the General Assembly ballot this evening at the time already appointed for a Governor of this State, and the place where the next Assembly shall be held, but that the Election of Delegates to represent this State in Congress, be deferred to a future day.

Received from the House of Commons a resolution of that body allowing certain persons therein named, the sum opposite their names for their services in taking and assisting the sheriff of Dobbs County, in bringing to this place sundry persons now confined as State Prisoners, which, being read, was concurred with and returned.

Received likewise the Petition of Timothy Riggs. Endorsed in the House of Commons, "read and referred to Messrs. Phifer, Bloodworth, Polk and Lewis."

Received also, the Bill to amend an act for dividing Guilford



County. Endorsed in the House of Commons, "read the third time & passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received from the House of Commons the Bill for adding part of Wake County to Franklin County. Endorsed, "read the second time & passed."

Ordered that this bill be read, which, being read, was passed the second time & returned.

On motion, ordered that Mr. Macon and Mr. Gallaway be appointed on the part of this House to cause to be burned and destroyed, all such sums of old State Dollar Money as may be delivered in to this Assembly; and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate have appointed Mr. Macon and Mr. Gallaway, who will act jointly with such Gentlemen of your Body as may be appointed to cause to be burned and destroyed, all such sums of old State Dollar Money as may be delivered in to this Assembly during the present session, and make report of their proceedings herein to the General Assembly.

Received from the House of Commons the resolution of this House of yesterday directing Colonel Thomas Armstrong to take into his possession sundry Horses and other property belonging to Nathan Lassiter and Simon Totevine. Endored in that House "read and concurred with."

Received likewise the Memorial of the Executors of General Davidson, the Claim of Thomas Wright, Sheriff of New Hanover, and the Petition of a number of the Inhabitants of Randolph County in favor of Joseph Clark. Each endorsed in the House of Commons, "read and referred as by the Senate."

Received also, the claim and certificate of Samuel Cross. Endorsed in the House of Commons, "read and referred to Messrs. McDowell, Franklin, Phifer, McKissick, Pearson and I. Stewart."

Received from the House of Commons the Petition of part of the Inhabitants of the Three Creeks in Burke County. Endorsed, "read and referred to Messrs. McDowell, Sloan, Franklin, Bloodworth & Phillips."

Mr. Campbell presented the petition of George Mitchell, Esquire, which, being read, was referred to a special Committee. The members chosen on the part of this House were Messrs. Armstrong, Eaton and Campbell.

Received from the House of Commons sundry resolutions of that Body of this date, expressive of the approbation of the conduct and high sense this Assembly entertain of the exertions made by His Excellency the Governor, for effectually carrying into execution the Resolutions of the General Assembly of the 24th Ult., relative to sundry persons accused of passing fraudulent accounts in the Office of the Commissioners for settling Army accounts and thereby drawing monies from the public Treasury; which, being read, were unanimously concurred with and returned.

Whereupon, ordered that Mr. Brown and Mr. Wynns on the part of this House attend and present His Excellency with a copy of the same and that the House of Commons have notice of the order by this following message, vizt.:

Mr. Speaker and Gentlemen :

The Senate have received and concurred with the resolutions of your Body of this day, expressive of the high sense the General Assembly entertain of the exertions made by His Excellency the Governor for effectually carrying into execution the Resolutions of the Legislature of the 24th Ult., relative to sundry persons accused of passing fraudulent accounts, &c., and have appointed Mr. Brown and Mr. Wynns on their part to attend and present him therewith.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have received and considered the message of yours proposing to postpone balloting for Delegates to represent this State in Congress, with which we do not agree.

Mr. Speaker and Gentlemen :

We propose that Mr. Polk and Mr. Neale be readded to the Committee to examine the prisoners ; we have also appointed them to superintend the balloting for the officers to be elected this Evening.

The foregoing being read, it was ordered that the following message be sent to the House of Commons, to-wit.:

Mr. Speaker and Gentlemen :

The Senate approve of the addition by you made to the Committee appointed to examine the State Prisoners.

Received from the House of Commons the Representation of Captain Robert Fenner. Endorsed "read and referred to Messrs. John Blount, P. Hawkins and Davie," which, being read, was referred to Mr. Stokes and Mr. Lewis and returned.

Received likewise the Petition of James Ransome and Young McLemore. Endorsed in the House of Commons, "read and referred to the Committee of Memorials and Petitions," which, being read, was referred in like manner and returned.

Mr. Stokes presented the Petition of Thomas Frohock, Esquire, which was read, referred to the Committee on Memorials and Petitions and sent to the House of Commons.

Received from the House of Commons the Petition of Daniel Buie. Endorsed, "read and referred to the Committee on Petitions and Memorials," which, being read, was referred in like manner and returned.

Received likewise the bill to annex a part of the County of Granville to Warren. Endorsed in the House of Commons, "read the second time and passed."

Ordered that this Bill be read, which being read, was passed the second time & returned.

Received also, a resolution of the House of Commons appointing Mr. William White in addition to the Engrossing Clerks already appointed, and declaring that Mr. Joshua Winslow shall be paid for such bills as he may draw during the session, which, being read, was rejected.

Received from the House of Commons a bill for the better regulation of the town of Hillsborough. Endorsed, "read the first time and passed."

Ordered that this Bill be read ; which, being read, was passed the first time and returned.

Received likewise the report of the Committee of Claims on the Memorial of William Wood. Endorsed in the House of Commons, "read and concurred with," which being read, was concurred with and returned.

Received also, the report of the Committee to whom was referred the Memorial of Mrs. Sarah Rounsavall. Endorsed in the House of Commons, "read and concurred with."

Mr. Brown presented the Memorial of Mr. Joseph Cain, which, being read, was referred to the Committee to whom was referred the Copy of the accounts of Green Hill, late Treasurer of Halifax District, and sent to the House of Commons.

Received from the House of Commons the report of the Committee on the Memorial of Mr. John Justice, and

The report on the petition of William Kirkpatrick. Respectively endorsed in the House of Commons, "read and concurred with."

Pursuant to the Resolution of the General Assembly of yesterday, the Honorable Timothy Bloodworth and James White, Esquires, two of the delegates from this State in Congress delivered in to the Chair, papers relative to the proceedings of that Body; which, being read, were sent to the House of Commons;

Whereupon, on motion of Mr. Macon, seconded by Mr. Gillispie, Resolved, That the Honorable the Speaker of this House be requested to offer the thanks thereof to the Honorable Timothy Bloodworth and James White, Esquires, for the faithful and diligent services as Delegates from this State in Congress during their late Tour.

Mr. Speaker accordingly arose, and addressing Mr. Bloodworth and Mr. White, delivered to them from the Chair the sense of the House as above expressed.

Adjourned 'til 3 of the clock, P. M.

Met according to adjournment.

On motion, ordered that Messrs. Macon and Lewis on the part of this House superintend the balloting now to be had for a Governor of this State, Delegates to represent this State in Congress, and for the place where the next Assembly shall be held.

The House now proceeded to the Conference Room in order to ballot; which, being ended, Messrs. Macon and Lewis, appointed on the part of this House to superintend the same, reported—

That having executed the business of their appointment, on numbering the Scrolls or Ballots, it appeared that the Honorable Richard Caswell, Esquire, was elected Governor for the ensuing year by a very large majority of the votes of the General Assembly.

That James White, Alexander Martin, John B. Ashe, Timothy Bloodworth, Benjamin Hawkins, and Thomas Polk, Esquires, were elected delegates to represent this State in Congress; and,

That there was not a majority of the votes of the General Assembly in favor of any place for holding the next Assembly.

The House, taking this report into consideration resolved that they do concur therewith.

Adjourned till Monday morning 10 O'clock.

Monday, December 18th, 1786.

The House met.

Received from the House of Commons the Petition of William Jones. Endorsed, "read & referred to Messrs. Yancey and Hawkins."

Received likewise the Memorial of George Laine Moore. Endorsed in the House of Commons, "read and referred as by the Senate."

Received also the Bill to extend two acts passed the last General Assembly held at New Bern, concerning the County Wardens of the Poor and Tobacco Inspection to the Counties herein mentioned. Endorsed in the House of Commons, "read the first time & passed."

Ordered that this Bill be read, which being read, was amended, passed the second time and sent to the House of Commons.

Mr. Hines moved for leave and presented a Bill to repeal part of an act passed at New Bern the 29th day of December, 1785, entitled an Act for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned, which was read the first time, passed and sent to the House of Commons.

General Rutherford presented the Memorial of Robert Bogle, which was read, referred to the Committee of Petitions and Memorials and sent to the House of Commons.

Received from the House of Commons the report of the Committee to whom were referred the Petition of George Lewis and William Price. Endorsed in that House, "read and concurred with." Which, being read, was concurred with and returned.

Received at the same time, and together with the report aforesaid, a resolution of the House of Commons consequent thereon, allowing the said George Lewis and the male heirs of the said William Price, Lands as therein mentioned, which being read, was also concurred with and returned.

Mr. Tipton delivered in the following report, vizt.:

The Committee of Memorials and Petitions, to whom was referred the Petition of John Hinton, setting forth that he had his house consumed by fire in March last, in which was burned specie and County Commissioners' certificates to the amount of six hundred and forty pounds, and also eight pounds in money of the emission of May, 1783, Report—

That it is their opinion that the said John Hinton be allowed a certificate having date in September, 1782, as it appears to your Committee that those burned were dated about that time; and also that he be allowed the sum of eight pounds in the money part of his taxes in his settlement with the sheriff or collector for the County of Wake, wherein he resides.

JOHN TIPTON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Mr. Tipton likewise delivered in the following report, vizt.:

The Committee of Memorials and Petitions, to whom was referred the Memorial of John Graham, setting forth that he was two months employed as a surgeon in the hospital at Charlotte, for which he has received no recompense, report—

That they do not think themselves justifiable in making any allowance for such service, as they have no vouchers before them to prove what pay Mr. Graham was entitled to, by what authority he acted or whether he hath not already received an allowance by the Hands of the continental surgeon who employed him; they are therefore of opinion that the said Memorial be rejected.

JOHN TIPTON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Mr. Tipton also delivered in a report of the Committee of Memorials and Petitions on the Petition of sundry persons in favor of Thomas Nethery and Ambrose Carton, who stand indicted in the Superior Court of Morgan District for the Murder of a certain James Smith; which report being read, was rejected.

Mr. Macon moved for leave and presented a Bill for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned, which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a resolution of that Body requesting His Excellency the Governor to direct the Honorable Robert Burton & Nathaniel Macon, Esquires, to proceed on immediately and take their seats in Congress, which was read, concurred with and returned.

General Rutherford presented an acct. of Mr. Hugh Torrence's, which was read, referred to a special Committee, and sent to the House of Commons. The members chosen on the part of this House were General Ramsey, Messrs. McCawley and Brown.

On motion of General Rutherford, it was ordered that the following message be sent to the House of Commons, vizt.:

Mr. Speaker and Gentlemen :

We propose that the Petition of William Graves & Elijah Hunter, which at present stands referred to the Grand Committee, be withdrawn from them and referred to the Committee of Propositions and Grievances.

Received from the House of Commons the following report, vizt.:

Your Committee appointed to examine the State prisoners and take the depositions of Witnesses against them, report—

That it appears by the deposition of Hardy Robertson that Thos. Butcher and John Sheppard had drawn the sum of £186 /12 6d in his name; that although he had never served in the army, he thought proper to call on them for the money drawn in his name; that Sheppard acknowledged the fact and promised to settle with him; which, with other Circumstances, will appear by the deposition marked No. 2.

The Depositions of John Brown, Mann Phillips and William Johnston, marked No. 3, 5, 6, added to the charges against John Sheppard, William Faircloth, and others, and by which it appears that the said Phillips had been generally employed in making out accounts & Orders.

The Depositions marked 1, 4, 7, 8, 10, contain additional charges against Price, Faircloth and others, already committed.

It appears to your Committee, on examining Col. Mitchell, Messrs.

Williams and Mann Phillips, that the report with respect to blank warrants issued from Mr. Glasgow's office was illy founded, and refer the House to the Depositions marked 9, 11, 3.

It appears to your Committee on the examination of General James Armstrong, that John Bonds, Esquire, a member of this House, had illegally drawn the due Bill and Certificate of a certain James Crenor, a twelve months' soldier, out of the office of the Commissioners of Army Accounts; that he denied the above fact to General Armstrong at New Bern Assembly, 1785, and afterwards confessed it by a Letter to one David Perkins; a conduct apparently on a line with the other frauds committed on individuals and which your Committee think highly reprehensible; for the several circumstances your Committee refer to the Deposition No. 12, and the Letter annexed.

S. CABARRUS.  
F. HARGET.  
JA. MARTIN.  
JAMES GILLISPIE.

Endorsed in the House of Commons, "read and concurred with." Which, being read, was concurred with & returned.

Mr. Herritage delivered in the following report, vizt.:

Your Committee to whom was referred the papers of John Beck, of Wayne County, purporting the loss of a Mare while in public service, after examining the premises, are of opinion that the said mare, the property of the said John Beck, was, while in public service, actually disabled in such manner as to render her entirely useless, and that she was worth thirty pounds; therefore, recommend that the Treasurer be directed to pay the same, and shall be allowed in the settlement of his public accounts.

JOHN HERRITAGE, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Mr. Tipton delivered in the following report, to-wit:

Your Committee of Memorials and Petitions, to whom was referred the Petition of William Ledford, praying to be released



from an execution against him for non-attendance as a Juror at Salisbury Superior Court, report—

That it is the opinion of your Committee that the said William Ledford be released from the fine aforesaid and the costs of the same, as it appears to your Committee that he was not able to walk at the time he should have attended.

All which is submitted.

JOHN TIPTON, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the report of the Committee to whom was referred the representation of Captain Robert Fenner as Agent for the late North Carolina line, and which report was laid over until this day ; which, being now read pursuant to the determination of this House of Saturday last, was rejected ; whereupon, ordered that the following message be sent to the House of Commons, vizt. :

Mr. Speaker and Gentlemen :

The Senate have received and rejected the report of the Committee to whom was referred the Representation of Captain Robert Fenner, Agent for the late North Carolina Line, and now propose that Captain Fenner's papers as agent aforesaid be submitted to the consideration of a special Committee, who shall report what allowance in their opinion Captain Fenner shall be considered as justly entitled to in consequence of his appointment as agent pursuant to a Resolution of Congress ; and who shall also report such further measures as they deem necessary relative to the certificates of which Captain Fenner as agent has taken charges ; for which purpose we have on our part appointed Messrs. Gallaway, Stokes, McCawley and Brown a committee.

Mr. Tipton delivered in the following report, to-wit :

The Committee of Memorials and Petitions, to whom was referred the Petition of James Christian, setting forth that he was a soldier in the continental line of this State, and was wounded in the service, and that he obtained a discharge, which was delivered by Col. Luttrell to one of the clerks of the General Assembly, and which has been lost or mislaid, report—

That it is their opinion, that the certificate of Captain Matthew

Ramsey with whom the said Christian enlisted, shall be a sufficient voucher to entitle him to receive his pay from the Commissioners hereafter to be appointed for the settlement of Army Accounts, as also to entitle the said Christian to such relief as by the laws of this State is provided for disabled Soldiers.

JOHN TIPTON, Ch.

The House taking the foregoing report into consideration resolved, that they do concur therewith and ordered that it be sent to the House of Commons.

Mr. Gillispie presented the petition of Mr. Benjamin Sheppard, which, being read, was ordered to lie on the table 'til Wednesday next and then be taken up and considered.

Received from the House of Commons the Memorial of Joseph Cain. Endorsed, "read and referred as by the Senate."

General Rutherford presented the Memorial of James McDonald, which, being read, was referred to the Committee of Petitions & Memorials & sent to the House of Commons.

Received from the House of Commons a bill for the promotion of learning in the County of Chatham. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

On motion of Mr. Stokes, seconded by Mr. Gallaway,

Resolved, That the sub-Committee to whom was referred the papers on Indian affairs be dissolved, and that a special Committee be appointed, whose duty it shall be to form a Resolve, expressive of the sense of the Legislature relative to the late Cherokee and Choctaw treaties, held at Hopewell by the Commissioners of Plenipotentiaries of the United States in Congress; and to form & report a state of the costs, charges & disposition of the goods intended as a present for the Indians by this State; and who shall also report such measure as they may deem necessary to be adopted in consequence of the said treaty & intended compensation or present, not having taken place on the part of the State.

Resolved further, that on the part of this House Messrs. Stokes, Stone, Gallaway, Martin & Lewis be a Committee for the purposes aforesaid.

Sent for concurrence.

Received from the House of Commons the account of Mr. Hugh Torrence. Endorsed, "read and referred to Messrs. Frohock, Carson & Winslow."

Mr. Gillispie moved for leave and presented a bill to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her children; which, was read the first time, passed and sent to the House of Commons.

General McDowell moved for leave and presented a Bill to alter the place of holding the Superior Court of the District of Morgan, which was read, passed the first time and sent to the House of Commons.

Mr. Hill moved for leave and presented a Bill to amend an Act entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out public roads and to establish and settle Ferries and to appoint where bridges shall be built and to clear Inland Rivers and Creeks," which, was read the first time, passed and sent to the House of Commons.

Mr. Hill also, moved for leave and presented a Bill to empower the executors of William Hill, deceased, late Commissioner of Franklin County to carry into effect, as far as relates to the County of Franklin an act passed at Hillsborough in the year 1784, entitled an act to authorize Richmond Pearson to collect the specific tax which remains due from the Inhabitants of the County of Rowan for the year 1781 and also, the Commissioners of Franklin County to collect the arrears of taxes of said County for the years 1780, 1781 and 1782, which, was read the first time, passed and sent to the House of Commons.

General Rutherford moved for leave and presented a bill to make provision to conciliate the minds of the Inhabitants of the Counties of Washington, Sullivan and Greene; which, was read the first time and rejected.

Received from the House of Commons the Bill to annex part of the County of Granville to Warren. Endorsed, "read the third time, amended and passed."

Ordered that this bill be read; which, being read, was passed the third time and ordered to be engrossed.

Received likewise the Bill to establish a Fund for the support of

the Academy of Hillsborough. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this Bill be read, which being read the second time, was rejected.

Pursuant to the Order of the day, the bill for the better and more punctual payment of the salaries of the delegates in Congress; and

The Bill to amend an act entitled "an act for the relief of such persons who have suffered or may suffer by their grants, Deeds & Mesne Conveyances not being proved and registered within the time heretofore appointed by law;" and also to amend an act entitled "an act for raising a public revenue for the support of Government;" and to repeal an act entitled "an act to suppress excessive Gaming," were respectively read and rejected.

Received from the House of Commons the Bill to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents. Endorsed, "read the third time & passed."

Ordered that this Bill be read, which being read was passed the third time and ordered to be engrossed.

Received from the House of Commons the report of the Committee to whom was recommitted their report on the petition of Mr. Matthew McClure. Endorsed, "read and concurred with;" whereupon,

Resolved, That the public Treasurer be and he is hereby required to advance on loan to Mr. Matthew McClure the sum of four hundred pounds, currency, on the terms directed by Report of a Committee, concurred with by both Houses, any Injunctions laid on him by this Assembly to the contrary notwithstanding, and for his so doing this shall be a sufficient warrant.

Sent for concurrence.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that two Delegates, to represent this State in Congress for the current year—the one to supply the place of the Honorable Abner Nash, Esquire, lately deceased; the other instead of the Honorable Charles Johnson, Esquire, resigned, be ballotted for at four o'clock this evening. Also at the same time that we ballot for the place of holding the next General Assembly, and for a Council of

State. We nominate Benjamin Hawkins, Stephen Moore, William Walters, Alexander Martin, and John Steele, Esquires, for Delegates; and John Barker, Joseph Green, John Hawks, Spyers Singleton, Thomas Routledge, Dr. William McClure, Robert Bignall, James Gillispie, Frederick Harget, Joseph McDowell, Dr. Miles King, Dr. Isaac Guion, James Sampson, Dr. Boyd, Joseph Leach, John Wright Stanley, John Nelson, and General Rutherford, Esquires, for Councillors of State. And have appointed Col. Polk & Mr. Neale to superintend the ballotting on the part of this House.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We consent to ballot as by you proposed at 4 of the clock this evening, and propose that the superintendents appointed on this behalf attend and receive the votes of the members of each House separately and without convening the whole in one room. Messrs. Macon and Lewis will on the part of this House superintend the ballotting. We nominate for the place of holding the next Assembly the Towns of Warrenton, Fayetteville, Tarborough and New Bern.

Adjourned 'til 4 O'clock P. M.

Met according to agreement.

The inspectors of the poll for the ballotting this evening to be had now attended and received the Ballots of the members of the Senate.

Received from the House of Commons the following Bills, to-wit :

A Bill prescribing the method of admitting attorneys to practice in this State and ascertaining how they shall be tried for misbehavior.

A Bill directing the mode of proceeding upon Impeachments.

A Bill to amend an act entitled an act to empower the County Court of Pleas and Quarter Sessions in the several Counties in this State, to order the laying out public roads and to establish and settle Ferries, and to appoint where bridges shall be built and to clear inland Rivers and Creeks.

A Bill to empower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House, Prison and Stocks in each County, when necessary, and for defraying the contingent charges of the County.

A Bill for amending an act entitled "an act for emitting one hundred thousand pounds for the purposes therein mentioned ;" and for appropriating the tobacco lately purchased by the Commissioners to discharge the interest of this State's quota of the Foreign debt, and for making effectual Provision for the future discharge of this State's quota of the principal and interest of the foreign debt.

A Bill to invest the title of a certain tract of land therein mentioned in Jeremiah and Robert Field, sons of William Field ; and

A Bill for raising money by a lottery, for the purpose of building a House for the reception of the poor in Craven County.

Respectively endorsed in the House of Commons, "read the first time and passed."

Ordered that these Bills be read, which being read were each of them passed the first time and returned.

Received likewise the bill to alter the time of holding the County Court of Pleas & Quarter Sessions in the County of Mecklenburg.

The Bill for improving the navigation to New Bern.

The additional Bill to an act entitled "an act for the regulation of the town of New Bern, and for other purposes ; and,

The Bill for altering the manner of holding the annual elections for the County of Hyde.

Each endorsed in the House of Commons, "read the second time and passed."

Ordered that these Bills be read, which being read, were respectively passed the second time and returned.

Received also the Bill to establish a public Inspection of tobacco in the Town of Salisbury, in Rowan County ; and,

The Bill for the Inspection of Tobacco at Anson Court House.

Each endorsed in the House of Commons, "read the third time and passed."

Ordered that these Bills be read, which, being read, were respectively passed the third time and ordered to be Engrossed.

Received from the House of Commons a bill to authorize and empower the County Commissioners in the several Counties in this State to collect the arrears of specific taxes for the years 1780, 1781 and 1782 ; and,

A Bill declaring in what manner and for what limited times Foreigners to whom real Estates may have descended, or may hereafter descend, shall hold and enjoy the same.

Each endorsed, "read the first time and passed."

Ordered that these Bills be read, which being read, were rejected.

Received likewise the petition of Gilbert Clark, John Smith, Archd. McNeil, Hugh Ray & John MacLaine. Endorsed, "read and referred to the Committee of Memorials and Petitions." Which, being read, was referred in like manner and returned.

Received also the Petition of John Ray, the Petition of Burwell Stricklin, and a second Petition of John Ray. Each endorsed in the House of Commons, "referred to the Committee of Claims." Which, being read, was referred in like manner and returned.

Received from the House of Commons the Bill to erect and establish an Academy in the County of Franklin. Endorsed, "read the second time & passed."

Ordered that these Bills be read, which being read, were passed the third time and returned.

Received likewise the report of the Committee to whom was referred the Representation and Petition of Reuben Searcey. Endorsed in the House of Commons, "read and ordered to lie over 'til the next Assembly." Which, being read, was laid over in like manner and returned.

Received also the report of the Committee to whom was referred the petition of John Ramsey. Endorsed in the House of Commons, "read and concurred with." Which, being read, was concurred with and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the Committee appointed to examine the prisoners, &c., and the sub-Committee No. 4, be directed to make report to-morrow.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We do not agree that the Committee for examining Prisoners, &c., and the sub-committee No. 4, be directed to report at the time by you proposed.

Mr. Harris moved for leave and presented a Bill to direct the Commissioners appointed to sell confiscated property to collect the debts due to confiscated estates, and enable certain persons therein

described to obtain titles for their Lands ; which was read the first time, passed and sent to the House of Commons.

Mr. Bledsoe moved for leave and presented a Bill for removing the place of holding Courts in the County of Sullivan, which was read the first time, passed and sent to the House of Commons.

Mr. Whiteside moved for leave and presented a Bill for establishing the dividing line between the Counties of Burke and Rutherford, which was read the first time, passed and sent to the House of Commons.

Mr. Herritage moved for leave and presented a Bill for adding part of Craven County to Dobbs County, which was read the first time, passed and sent to the House of Commons.

Mr. Macon and Mr. Lewis appointed on the part of this House to superintend the balloting this evening to be had, returned and reported as follows, to-wit :

That having executed the business of their appointment on numbering the ballots or scrolls, it appeared that Benjamin Hawkins, Esquire, was chosen Delegate to supply for the remainder of the present year one of the two places now vacant in Congress as to a representation from this State ; that Frederick Harget, Joseph Leech, Joseph Green and John Hawks were elected as four of the Council of State, and that the other appointments balloted for are yet to be made, this Balloting having failed to decide on any of them. This report being read was concurred with.

Adjourned 'til to-morrow 10 O'clock.

Tuesday, December 19th, 1786.

The House met.

Received from the House of Commons the bill to establish the late survey and plan of the town of Tarborough, as made and laid down by the direction of the Commissioners composing the Body politic and corporate of the said town, and to amend an act entitled "an act for the better regulation of the town of Tarborough." Endorsed "read the second time, amended and passed."

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Received likewise the bill for erecting an Academy at the town of Warrenton in the District of Halifax. Endorsed "read the second time, amended and passed."



Ordered that this bill be read, which, being read, was amended, passed the third time and sent to the House of Commons.

General McDowall moved for leave and presented a bill for the more expeditious recovery of stolen Horses; which was read, passed the first time and sent to the House of Commons.

Mr. Lewis delivered in the following report, vizt :

The Committee to whom was referred the Petition of William Jones and George Laine Moore, report—

That they have taken the same under their consideration and are of opinion that the prayer of the petitioners ought to be granted, and a law passed for the same.

All which is submitted.

HOWELL LEWIS, Ch.

The House taking this report into consideration concurred therewith, whereupon,

Mr. Lewis moved for leave and presented agreeably to the said Report, “a bill for the relief of George Laine Moore and William Jones,” which, was read, passed the first time and sent to the House of Commons.

Mr. Gallaway agreeably to order delivered in the Bill to prevent the appointing too great a number of Justices of the Peace and to compel the clerks of the several County Courts in this State to make return as therein directed, which being read and debated, it was on motion of Mr. Gillispie ordered, that he have leave to take out and amend the same.

Mr. Herndon the member for the County of Wilkes appeared, presented his certificate, was qualified agreeably to law & took his Seat.

Mr. Brown delivered in the following report, to-wit.:

Your Committee to whom was referred the Petition of Hugh Torrence, Sheriff for Rowan County, for expenses for himself and guard to carry a certain William Turner, charged with murder, to the district Jail of Wilmington by order of the Superior Court of Law and Equity, for the District of Salisbury, beg leave to report—

That it appears to your Committee that Mr. Torrence actually advanced out of his own Money for the expence of the guard as per receipts filed, the sum of £38 /14 2d, and that the said sheriff and three of his men have been on actual service twenty-two days to this

place, for which we allow six shillings per day for man and Horse, amounting to the sum of twenty-six pounds eight shillings (£26 /8 0d) and one of his men who served twelve days at six shillings per day amounting to three pounds twelve shillings (£3 /12 0d), and hath allowed the said sheriff and four men four days to return to Salisbury, for which we allow the sum of twelve shillings per day amounting to the sum of £12 /0 0d with an addition to the sheriff for extra service of one pound (£1 /0 0d), and as for the Irons charged in the account for the use of the jail, we consider it a distinct charge and cannot allow it. And that a resolution be directed to the Treasurer to discharge the same. All which is submitted.

THOMAS BROWN, Ch.

The House taking this report into consideration concurred therewith and ordered that it be sent to the House of Commons.

Mr. Macon delivered in the following report, to-wit:

The Committee to whom was referred the Memorial of Thomas Harris, setting forth that he was appointed Sheriff of Mecklenburgh County, for the year 1782, and that he was also obliged to make the collection for the two preceeding years, for which collection he hath not been able to obtain a settlement, owing to the death of the district Treasurer with whom he should have settled, report—

That they find from the return of the Clerk of Mecklenburgh Court that the whole of the taxes for the years 1780 and 1781 amount to three hundred and eighty-one thousand three hundred and forty-seven pounds (£381.347 /0 0d). And your Committee find that the said taxes have been collected in the following manner, to-wit:

In continental Dollar bills received by this Com-

|                                                              |                |
|--------------------------------------------------------------|----------------|
| mittee . . . . .                                             | £113,294 /16 0 |
| In State dollar bills received by ditto. . . . .             | 132,046 16 0   |
| In currency certificates received by ditto. . . . .          | 64,306 6 0     |
| In specie certificates, at 800 for one, rec'd ditto. . . . . | 51,501 0 0     |
| Delinquents for 1780 & 1781, per blk. return. . . . .        | 1,130 15 0     |
| Commissions on £381,347 at 5 per cent. . . . .               | 19,067 7 0     |

Which make in all the whole tax. . . . .£381,347 / 0 0

Your Committee also find the taxes for the said County of Mecklenburg for the year 1782 amounts to eight hundred & five pounds

twelve shillings (£805 /12 0) specie, and the same has been collected in the following manner, to-wit :

In clothing certificates, payable by a resolve of the

|                                                           |             |
|-----------------------------------------------------------|-------------|
| General Assembly . . . . .                                | £522 / 7 10 |
| In specifics, per the succeeding sheriff's Rect . . . . . | 37 7 0      |
| Delinquents per Clerk's return . . . . .                  | 32 14 0     |
| Commissions on £805 /12 0 at 5 per cent . . . . .         | 40 5 6      |
|                                                           | <hr/>       |
|                                                           | £632 /14 4  |

The Balance then due the State will be, in Certificates

or Indents payable by law . . . . .£172 /17 8

Which your Committee recommend be paid into the hands of the Treasurer.

Submitted to the General Assembly.

JOHN MACON, Ch.

The House, taking this report into consideration, concurred therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons a Bill to amend and alter the Court System. Endorsed, "read the first time and passed."

Ordered that this bill be read, which, being read, was passed the first time and returned.

Mr. Hill moved for leave and presented a bill to adopt a mode whereby each County shall defray the expence of their own members in the General Assembly of this State, which was read the first time, passed and sent to the House of Commons.

General Rutherford moved for leave and presented a bill to prevent the selling of Goods, Wares or Merchandise for hard money only, and to prevent the depreciation of the paper currency, which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a supplementary bill to an act entitled "an act concerning providing wills and granting Letters of administration, and to prevent fraud in the management of intestate estates. Endorsed, "read the first time and passed.

Ordered that this Bill be read, which, being read the first time, was rejected.

Received likewise the Resolution of this House of yesterday in

favor of Mr. Matthew McClure. Endorsed in the House of Commons, "read and concurred with."

Received also a bill for establishing a town on the land of Robert Burton, Esquire, in the County of Granville. Endorsed, "read the third time, amended and passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

On motion of Mr. Harget, seconded by Mr. Gillispie, Resolved, That Generals Rutherford and Gregory be added to the Secret Committee, and that the Commons have notice thereof by the following message :

Mr. Speaker and Gentlemen :

The Senate have added General Rutherford and General Gregory to the Committee appointed to examine the State prisoners.

Received from the House of Commons the bill to prevent long and extensive Credits. Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read, which being read the second time, was rejected.

On motion of Mr. Macon, it was ordered that the following message be sent to the House of Commons, vizt.:

Mr. Speaker and Gentlemen :

We propose that the General Assembly ballot tomorrow evening at 4 of the clock for one Delegate to represent this State in Congress in the room of Charles Johnson, Esquire, resigned ; for the three Councillors of State yet to be elected, and for the place where the next Assembly shall be held ; and put in nomination for a Delegate as aforesaid Stephen Moore, John B. Ashe, William Walters, and William Sharpe, Esquires.

For Councillors : Robert Bignall, Thomas Rutledge, Miles King, Isaac Guion, Wm. McClure, Spyers Singleton and Jno. Nelson, Esquires ; and for the place where the next Assembly shall be held, the Towns of Tarborough, Fayetteville, Salisbury and New Bern.

Should you approve of this measure, you will please signify the same by message.

Adjourned 'til to-morrow morning 10 O'clock.

Wednesday, 20th December, 1786.

The House met.

Mr. Stephen Miller, the member for the County of Anson, appeared, presented his certificate, qualified agreeably to Law and took his seat.

On motion of Mr. Macon, seconded by Mr. Brown, the House resolved as follows, vizt.:

Whereas, it appears to this General Assembly that many of the certificates granted by the late Board of Commissioners for settling Army accounts have been fraudulently obtained—

Resolved, therefore, That the Comptroller be and he is hereby directed to receive no certificate which may be offered him by any Commissioner of confiscated property, or other person in arrear to the State, which hath been granted and issued since the last session of Assembly by the Commissioners for settling Army accounts.

Sent for concurrence.

Received from the House of Commons the report of the Committee on the Memorial of Mr. Thomas Harris. Endorsed, “read and concurred with.”

Received likewise the following message :

Mr. Speaker and Gentlemen :

We agree to ballot as by you proposed, and have added to the nomination for Councillors Joseph McDowell and James Sampson, Esquires.

General Ramsey presented the Petition of John Kendrick, which being read, was referred to the Committee of Memorials and Petitions and sent to the House of Commons.

On motion of General McDowell, the House resolved as follows, vizt. :

Resolved, That the public Treasurer pay unto Hugh Torrens, Sheriff of Rowan County, the sum of eighty-one pounds fourteen shillings and two pence currency in full of that sum reported himself and guard as pay whilst employed in conveying to the jail of Wilmington District a certain William Turner, charged with having been guilty of the committing a murder, by a Committee of this present Assembly.

Sent for concurrence.

On motion of Mr. Gillispie, seconded by Mr. Brown, the House resolved as followeth, vizt.:

Whereas, it is represented to this General Assembly that there is now in the jail of Wilmington District a certain William Turner, charged with having murdered the late Mr. John Latshaw, of the town of Baltimore, in Maryland, and with having after the perpetration of the crime aforesaid pillaged and robbed the estate of the said Latshaw to a very considerable amount; and it being suggested that there are sundry negroes, late in the possession of the said Turner, now in the hands of Thomas Williams and Thomas Turner, of Rowan County, and sundry other articles of property heretofore belonging to the said John Latshaw, in the said County of Rowan and the Counties adjoining thereto; and there being reason to suspect that the said property or some part thereof may be moved out of the limits of this State, and so disposed of as to elude the Enquiries or search of the Widow or Orphans of the said Latshaw; therefore,

Resolved, That Mr. Hugh Torrence, Sheriff of Rowan County, do forthwith take into his possession and safe-keeping two stills and three brass kettles which were left by the said John Latshaw in the hands of Abraham Weatty, wheresoever the same may now be found; and that he likewise take charge of ten slaves, said to be the property of the said William Turner, now in the hands of Thomas Turner and Thomas Williams; and that he, the said Sheriff, retain the property above mentioned in his hands, to the end that Justice may be done, and until a lawful decision be had thereon.

Resolved further, That any person or persons claiming the aforementioned property, or any part thereof, may receive the same on giving bond with good and sufficient security to the said sheriff in double the estimated value of the said property, conditioned, that he or she will in due course of law as soon as possible make his or her right appear, and in course of failure therein restore the said property together with such damages as may have been sustained by the real Owner or Owners, and the said sheriff as soon as may be after taking the said property into his possession, shall notify the same to James Gillispie, Esquire, of the County of Duplin, & Thomas Brown, Esquire, of Bladen County, who are attorneys to Magdeline Latshaw, widow of the deceased aforesaid.

Sent for concurrence.

On motion of Mr. Macon, seconded by Mr. Gallaway, the House resolved as follows, vizt.:

Resolved, That Thomas Harris, late sheriff of Mecklenburgh County, pay into the hands of the public Treasurer the sum of one hundred and seventy-two pounds seventeen shillings and eight pence (being the amount of the balance due from Mr. Harris to the State) in certificates or Indents issued by authority of the General Assembly, which payment when made shall be considered as a final settlement on the part of the said Harris with the public; on account of his having been sheriff for the County of Mecklenburgh for the years 1780, 1781 & 1782.

Sent for concurrence.

Mr. Thomas Tison the member for the County of Moore appeared presented his certificate, was qualified agreeably to law and took his seat.

Received from the House of Commons a bill to vest a title of the lands therein mentioned in the persons therein named. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which, being read, was passed the first time and returned.

Mr. Tipton delivered in the following report, to-wit.:

The Committee of Memorials and Petitions to whom was referred the Petition of William F. Lewis in behalf of himself and others setting forth that they took up a number of deserters during the late war for which they have not received any reward, report—

That they find by sundry Vouchers and certificates with other Testimony, that William F. Lewis and others, his Constituents did deliver ten deserters to the Officers of the Army directed to receive them, but as these deserters were delivered previous to the passing the Act of Assembly for making allowance for such service your Committee do not think themselves justifiable in making any allowance for the same; at the same time your Committee recommend that some allowance be made by the General Assembly to the said Petitioners.

JOHN TIPTON, Ch.

The House taking this report into consideration resolved that it be rejected.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We herewith send a message addressed to His Excellency the

Governor, should it meet your approbation Mr. Polk and Mr. Winslow with such of your body as you may appoint, will attend and present him with the same.

The message alluded to being read, was rejected, whereupon ordered that the following be addressed to & presented His Excellency the Governor, to-wit:

To His Excellency Richard Caswell, Esquire, Governor, Captain General, &c., &c.:

SIR :

The General Assembly on the 16th Instant proceeded to the election of a Chief Magistrate to preside over the Executive Department of this State, when you Sir, was chosen to that important office for the ensuing year by a large majority of the suffrages of the Legislature of your Country; you will therefore be pleased when the time of your former election to this office shall have elapsed to qualify and enter on the duties incident to this your Appointment.

Ordered that the foregoing, together with the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We propose that the message herewith sent you be presented to His Excellency the Governor, instead of the one sent us from your House. We have been induced to do so from a belief that as the time for which the Governor of this State under his former appointment can of right hold and exercise the powers and authorities of that office will not expire until May next it was necessary the Message now to be sent him should be more explicit.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have rejected the Resolve of your House directing the Comptroller not to receive from the Commissioners of Confiscation and others any certificates granted and issued since last session of Assembly, as we suppose the evil you wish to guard against is already provided for by a Resolution of the 4th Instant directing His Excellency the Governor to issue a Proclamation requiring all public officers that it is the sense of the General Assembly, that no due bills or certificates issued since the first day of January, 1786, shall be received in payment of any arrears, due, &c.



On motion of Mr. Gillispie, seconded by General Rutherford, the House resolved as follows, vizt.:

Whereas, pursuant to a Proclamation issued by His Excellency the Governor in consequence of a Resolution of this General Assembly, Colonel Hardy Murfree and Major John Ingles, of the late North Carolina Continental Line, have attended on a Committee of the Legislature and borne testimony, in order to aid as far as in them lay the exertions of this State to detect and bring to due Punishment all persons concerned in passing fraudulent accounts, or committing other deeds tending to injure the public credit; and the said Colonel Murfree and Major Ingles being now about to depart from this place to their respective places of abode—

Resolved, That the General Assembly entertain a high and proper sense of the laudable conduct, ready attendance and former as well as present public spirited Exertions of those two Gentlemen. Sent for concurrence.

Received from the House of Commons a bill to establish a Board to amend errors in Patents. Endorsed, “read the second time, amended and passed.”

Ordered that this bill be read, which being read, was rejected.

Received likewise the bill for adding part of Wake County to Franklin County. Endorsed in the House of Commons, “read the third time and passed.”

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received also a bill to direct the method to appoint Jurors and Surveyors to run out disputed Lands. Endorsed, “read the second time, amended and passed.”

Ordered that this bill be read, which being read, was amended, passed the second time and returned.

Received from the House of Commons the Petition of Thomas Frohock, the Memorial of James McDonald, the Memorial of Robert Bogle, and the Petition of John Kendrick. Respectively endorsed in that House, “read and referred as by the Senate.”

Received likewise the Petition of George Mitchell, Esquire. Endorsed, “read and referred to Messrs. Blount, Grant, and Long.”

Received also the report of the Committee of Memorials and Peti-

tions on the Petition of James Christian. Endorsed in the House of Commons, "read and concurred with."

Adjourned 'til 4 o'clock P. M.

Met according to adjournment.

Mr. Polk and Mr. Neale, on the part of the House of Commons, now appeared, who, together with Mr. Lewis and Mr. Macon, on the part of this House, proceeded to take the ballots from the members of the Senate agreeably to the vote of the General Assembly of Monday last; which being ended, those Gentlemen returned to the House of Commons for the like purpose.

Received from the House of Commons a bill to establish a town on the East side of the Northeast of Cape Fear River, in Duplin County. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

Messrs. Long, Neale, Hall and Wyatt Hawkins will act with the gentlemen by you appointed a Committee to receive and destroy the old State dollar Bills.

On motion of Mr. Campbell, ordered that he have leave of absence from the service of this House after Friday next.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We herewith send you a message from His Excellency the Governor, with Sundry resolutions of Congress and dispatches from the Board of Treasury, which we propose referring to a joint Committee, and have for that purpose on our part appointed Messrs. Davie, Spaight, Hooper, Blount, Hay, Maclaine and McDowell.

Ordered that Messrs. Harget, Herndon. Brown, Stokes, Gallaway, and Stone on the part of the Senate act on this Committee and that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the message of this day from His Excellency the Governor and the public dispatches accompanying it, be referred to a special committee and have appointed Messrs. Harget, Herndon,

Brown, Stokes, Gallaway, and Stone a Committee who will act with the Gentlemen by you appointed for that purpose.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen ;

We agree that the petition of William Graves and Elijah Hunter be withdrawn from the Grand Committee and referred as by you proposed and propose that the petition of the Inhabitants of Fayetteville be withdrawn from the Grand Committee and referred to the Committee of Propositions and Grievances.

This message being read it was ordered that the following be sent to the House of Commons, vizt.:

Mr. Speaker and Gentlemen :

We agree that the petition of the Inhabitants of Fayetteville be withdrawn from the Grand Committee and referred as by you proposed.

Received from the House of Commons a bill for the support of Government and for appropriating the Revenues of the State. Endorsed "read the first time and passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

The Ballotting being closed, Messrs. Macon and Lewis now returned and reported as followeth, to-wit :

That having, pursuant to their appointment, attended and taken the ballots or tickets of the members of the General Assembly, on closing this ballotting and casting up the scrolls, it appeared that the Honorable John B. Ashe, Esquire, was re-elected to supply the place of Charles Johnson, Esquire, resigned.

That the next General Assembly is to be held at Tarborough, and that there yet remain the three Councillors ballotted for to be elected, no gent having had a majority of the votes of the members of the General Assembly for that purpose.

The House, taking this report into consideration, resolved that they do concur therewith.

Adjourned 'til to-morrow morning 10 o'clock.

Thursday, 21st December, 1786.

The House met.

Received from the House of Commons the following message, vizt:

Mr. Speaker and Gentlemen :

This House cannot agree with the Senate in referring the papers of Robert Fenner as Agent, &c., to a select Committee, but propose that they be referred to the Committee to whom was referred the Petition of the Officers of the late Continental line of this State.

The foregoing being read, it was ordered that the following message be sent to the House of Commons, to-wit:

Mr. Speaker and Gentlemen :

We consent that Captain Fenner's papers, as agent of the late No. Carolina line, be referred to the Committee by you mentioned, but propose that this Committee be directed (in addition to the duties enjoined a select Committee on the part of this House for the above mentioned purpose appointed) to enquire into and report on the receipts and issues of Captain Fenner, as agent aforesaid, and that they deliver on such their report without delay.

Received from the House of Commons the bill to make the Securities therein named negotiable. Endorsed, "read the second time, amended & passed."

Ordered that this bill be read, which, being read, was passed the second time and returned.

Received likewise the bill to alter and amend an act passed at Hillsborough in May, 178—, entitled an act for repairing the Court House and Prison in the town of Salisbury, for the District of Salisbury; and also, one other act passed at New Bern, 1784, entitled an act for laying a tax in the Counties in Hillsborough and Salisbury Districts, for the repairing of the district buildings in the towns of Hillsborough and Salisbury; and directing the method of calling to account all commissioners of public buildings, heretofore or hereafter to be appointed; also, to alter and amend the several laws now in force for erecting and repairing the public buildings in the District of Hillsborough. Endorsed "read the second time & passed."

Ordered that this bill be read, which being read, was amended, passed the second time and returned.

Mr. Stone moved for leave and presented a bill to authorize the

Commissioners of Bertie to collect the arrearages of the specific tax for the years 1780, 1781 and 1782, which was read the first time, passed and sent to the House of Commons.

Mr. Campbell presented the Petition of Christian McKenzie and Christian Yonge, which was read, referred to Mr. Wynns, and Mr. Campbell on the part of this House and sent to the House of Commons.

Mr. Campbell also presented the petition of Wanton Casey and Charles Greene, which was read and referred to the Committee to whom was referred the petition of Christian McKenzie and Christian Yonge and sent to the House of Commons.

Received from the House of Commons a Bill to prevent Doubts as to the right of Sovereignty and Jurisdiction in and over the counties of Washington, Sullivan and Greene, and to consign to oblivion any misconduct of the citizens within the same. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We have received your message relative to the message to be presented to the Governor, with which we do not concur, concerning the same, grounded on a mistaken belief as to the time of his continuance in office.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We approve of the message by you proposed to be presented to His Excellency the Governor, have caused the same to be signed and have appointed Messrs. Gallaway & Wynns on the part of this House to attend and present him with the same.

Received from the House of Commons a Resolution of that Body of this date requesting the Attorney-General to attend the Subcommittee of Finance No. 4, which being read was concurred with and returned.

Received likewise the report of the Committee on the petition of John Beck. Endorsed, "read and concurred with."

Received also the Resolution of this House of yesterday directing

Mr. Thomas Harris to pay into the public Treasury as therein mentioned. Endorsed, "read and concurred with."

Received from the House of Commons the report of the Committee to whom was referred the petition of Andrew Kennedy, together with a resolution of the House of Commons consequent thereon, which Resolution being read, was concurred with and returned.

Mr. Miller presented the resignation of John Jackson as Lt. Col. of Anson county, and as a Justice of the Peace for the said County, which being read were accepted and sent to the House of Commons.

Received from the House of Commons the Bill prescribing the method of admitting attornies to practice in this State in the several Courts of Law and Equity, and ascertaining how they shall be tried for misbehaviour. Endorsed, "read the second time, amended and passed."

Ordered that this Bill be read, which being read was amended, passed the second time & sent to the House of Commons.

Received likewise the Bill to impose a duty on all slaves brought into this State by land or water. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this bill be read, which being read, was amended, passed the second time & returned.

Received also the Bill to repeal an act entitled "an act to prevent abuses in taking up stray Horses, Cattle, Hogs and Sheep & other things therein mentioned. Endorsed in the House of Commons "read the second time and passed."

Ordered that this Bill be read, which, being read, was rejected.

General Ramsey moved for leave and presented a Bill for empowering the Court of Chatham County to adjourn to the town of Pittsborough in said County, which was read, passed the first time and sent to the House of Commons.

Adjourned 'til To-morrow morning 10 O'clock.

Friday December 22d, 1786.

The House met.

Received from the House of Commons the Bill for erecting Bogue Bar and New River Inlets into a distinct Port by the name of Swannsborough. Endorsed, "read the second time, and passed."

Ordered that this Bill be read, which being read, was amended passed the second time, and returned.

Received likewise the resignation of John Jackson as Lt. Colonel and as a Justice of the Peace for Anson County. Endorsed, "read and accepted."

Received also the Memorial of His Excellency Richard Caswell, Esquire. Endorsed in the House of Commons, "read and referred to Messrs. Sitgreaves, Cabarrus, Blount and Davie," which being read, was referred to Messrs. Harget, Herndon, McCawley & Wynns and returned.

Received from the House of Commons the Bill for the relief of George Laine Moore and William Jones. Endorsed, "read the first time & passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

Received likewise the Claim of Samuel Clegg. Endorsed in the House of Commons, "read and referred to the Committee of Claims," which being read, was referred in like manner and returned,

Received also a Bill for enabling Executors and Administrators to make a speedy settlement of their accounts. Endorsed in the House of Commons, "read the first time & passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received from the House of Commons the following Bills to wit:

The Bill for improving the navigation to New Bern, and the additional Bill to an act entitled "an act for the regulation of the town of New Bern and for other purposes." Each endorsed in the House of Commons, "read the third time, and passed."

Ordered that these Bills be read, which being read, were respectively passed the third time, and ordered to be engrossed.

Received likewise a Bill to alter the time of holding the annual Assemblies of this State. Endorsed in the House of Commons, "read the first time, and passed."

Ordered that this Bill be read, which being read, was passed the first time, and returned.

Received also the Bill to emancipate Hannah, alias Hannah Bowers, a person of mixed blood belonging to the estate of the late Alexander Gaston, deceased. Endorsed in the House of Commons, "read the second time, and passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

Received from the House of Commons a resolution of that Body allowing sundry persons who served as a guard under Col. Adam Saunders the sums therein mentioned, which being read, was concurred with and returned.

Received likewise the petition of John Copeland. Endorsed in the House of Commons, "read and referred to the Committee of Petitions and Memorials," which being read, was referred in like manner and returned.

Received also the resignation of John Beck a Justice of the Peace for Duplin County. Endorsed in the House of Commons, "accepted" which being read, was accepted and returned.

Received from the House of Commons the Bill for dividing the county of Sullivan. Endorsed, "read the first time and passed."

Ordered that this Bill be read, which being read, was amended, passed the second time, and returned.

Mr. Stokes moved for leave and presented a Bill for purchasing Arms and Military Stores, and for establishing a Magazine, which was read the first time, passed & sent to the House of Commons.

(Griffin leave of absence).

Received from the House of Commons a Bill for removing the place of holding Courts in the county of Sullivan. Endorsed "read the first time, and passed."

Ordered that this Bill be read, which being read, was passed the second time, and returned.

Received likewise a Bill to keep open Cape Fear, Deep River, Haw River, and Rocky River for the passage of Fish up the same. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this Bill be read, which being read was passed the first time and returned.

On motion of Mr. Williams, it was ordered that he have leave of absence from the service of this House during the remainder of the present session.

Received by way of the House of Commons a message from His Excellency the Governor enclosing a letter to him directed from Mr. Thomas Amis, together with other papers; the whole endorsed in the House of Commons, "read and referred to the Committee to consider of the Communications from Congress," which being read, was referred in like manner and returned.



Received likewise the following message :

Mr. Speaker and Gentlemen :

We propose that the Representation of the Honorable Timothy Bloodworth and James White, Esquires, be referred to the Committee appointed to consider of the Communications from Congress.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the Representation of the Honorable Mr. Bloodworth and Mr. White, Delegates from this State in Congress be referred as by you proposed.

Received from the House of Commons an additional Bill to an act entitled "an act to prevent the several species of hunting therein mentioned." Endorsed, "read the first time, and passed."

Ordered that this Bill be read, which being read, was passed the first time & returned.

Received also by way of the House of Commons, a message from His Excellency, the Governor, enclosing the account of Captain Justice against the State and other papers. Endorsed in the House of Commons in the following manner to wit: "the claim to which this message refers was read and referred to the Committee of Claims" which being read, was referred in like manner and returned.

On motion of Mr. Griffin, it was ordered that he have leave of absence during the remainder of the session.

Pursuant to a former determination of this House on motion of Mr. Herritage the Bill for annexing part of the county of Craven to Pitt county, which was laid over until the next assembly by a vote of the 7th inst., was again taken up, when it was read the second time, passed, & sent to the House of Commons.

The passing of this Bill being objected to, it was on motion of Mr. Gallaway, seconded by Mr. Herritage, ordered that the yeas and nays be taken thereon which were as follows to wit :

For passing this Bill—Messrs. Thomas, Armstrong, Jordan, Battle, Tipton, J. Armstrong, Macon, Genl. Simpson, Bonner, Genl. Gregory, Whiteside, Gillispie, Herritage, Mayo, Genl. Rutherford, Stokes, Stone, Genl. McDowall, Hill, Mitchell, Martin and Miller—21.

Against passing this Bill—Genl. Ramsey, Messrs. Eaton, Clinton,

Harget, Gowdy, Williams, Jones, Riddick, Gallaway, Bledsoe, Campbell, Wynns, Herndon and Tyson—14.

So this Bill was passed.

Mr. Macon presented the petition of Mr. Philip Alston, relative to the late election in Moore county, which was read and referred to the Committee of Privileges and Elections.

Received from the House of Commons the Bill to repeal the 13th section of an act passed at New Bern in October in the year 1784, entitled "an act for raising a public revenue for the support of Government," and to repeal an act entitled "an act to suppress excessive Gaming." Endorsed, "read the second time, and passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

Received likewise the Bill to extend two acts passed at the last General Assembly held at New Bern concerning the County Wardens of the poor; and Tobacco Inspection to the county of Chatham. Endorsed in the House of Commons, "read the second time, & passed."

Ordered that this Bill be read, which being read, was passed the third time and returned.

Received also the Bill for a removal of the place for holding Courts of Pleas & Quarter sessions in the county of Washington, and for appointing Commissioners to fix on the most convenient place for the same. Endorsed in the House of Commons, "read the first time, amended and passed."

Ordered that this Bill be read, which being read, was amended, passed the second time, and returned.

Genl. Simpson presented the petition of Mrs. Clara Salter, of Pitt county, which was read and ordered to be sent to the House of Commons.

On motion of General Rutherford, seconded by Mr. Hill, it was resolved that Messrs. Macon and Gallaway, on the part of this House, examine the Engrossed Bills, and that the following message be sent to the House of Commons

Mr. Speaker and Gentlemen :

The Senate have appointed Messrs. Macon and Gallaway, who will on their part act with such of your body as may be appointed

to examine and compare the engrossed copies of such bills as may be passed into laws by the present Assembly.

On motion of Mr. Hines, ordered that he have leave of absence from the service of this House for a few days.

Received from the House of Commons the Bill to carry into further effect an act entitled "an act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the Army." Endorsed, "read the second time, amended and passed."

On motion of Mr. Macon, resolved that this House form itself into a Committee of the whole to consider of the amendment necessary to be made in the last mentioned bill, whereupon Elisha Battle, Esquire, was placed in the Chair; some time being spent in Committee, on motion, Mr. Speaker resumed the Chair, and Mr. Chairman reported the several amendments proposed, which being agreed to this Bill was amended accordingly and put on its passage, when it was passed the second time and returned to the House of Commons.

On reading this Bill, a motion was made by Mr. Macon, seconded by Mr. Stokes, that the part thereof, which declared *the price at which the Lands should be entered for or sold at* should provide, *that the Certificates paid therefor should be delivered in and counted exclusive of Interest*, vizt: that the Interest should not be calculated on them, this being objected to the question was put and carried in the negative, whereupon the yeas and nays being required by Mr. Macon, seconded by Mr. Stokes, were as follows, to wit:

In favor of the proposed amendment—Messrs. Jordan, Macon, McCawley, General Gregory, Eaton, Gillispie, Herritage, Mayo, Clinton, Lewis, Stokes, Stone, Hill, Mitchell, Bledsoe and Wynns—16.

Against the proposed amendment—Messrs. Tho. Armstrong, Sharpe, Battle, Genl. Gregory, Messrs. Tipton, Moore, Bonner, White-side, Genl. Rutherford, Messrs. Harget, Herndon, Gowdy, Williams, Genl. McDowall, Messrs. Mooring, Riddick, Harris, Gallaway, Martin, Miller and Tyson—21. So the question was lost.

Adjourned 'til tomorrow morning 10 O'clock.

Saturday, December 23d, 1786.

The House met.

Mr. Speaker laid before the House a letter from the Honorable Samuel Ashe, Esquire, one of the Judges of the Superior Courts of

Law and Equity in this State, which being read was on motion of General Rutherford, ordered to be entered on the Journal of this House, the contents of which were as follow to wit :

WILMINGTON, Dec. 14th, 1786.

The Honorable, the Speaker of the General Assembly :

Gentlemen :

The reports of the Joint Committee respecting the Judges, &c., concurred with by both Houses, with your polite letter notifying the same, were handed me yesterday, perhaps it may be thought that a proper regard and attention to my Reputation ought to induce me to be present when the enquiry you mention shall take place, but prudence forbids me to avail myself of your notice, for I am apprehensive that at my time of life and in my infirm state of health a journey of near two hundred miles (going and returning) in this severe and inclement season with cold and bad lodgings (which from the fulness of the town I suppose would be my lot) might prove dangerous if not fatal to me. Indeed I am at a loss to know what purpose my being present would answer. I presume the Houses do not mean to go into a formal exercise of Judicial power; to hear "finding and proving" and to pass final decision, nor can I go from member to member out of doors assuring each of them in turn of my innocence, and thus endeavor to exculpate myself and do away offences that never existed, this would be lessening myself and degrading that high character my country have been pleased to dignify me with. I cannot stoop to it, the measure itself would indicate guilt. In my Judicial Character I am righteous and therefore bold. Malice may accuse and calumny blast for a while the fairest characters, but upon Impartial and strict inquiry and fair researches, truth will be developed and shine forth like the morning light. The charges against me are malicious and groundless, I therefore wrapt in conscious innocence far from eluding or wishing to elude an enquiry, make my particular request to the Honorable Houses, nay I claim, I demand of them Justice, a strict enquiry upon my conduct. They owe it to their country, they owe it to me, for if I am guilty I am unfit for the high trust reposed in me; and if I am innocent reparation ought to be made me; and that stigma wiped away by suitable entries, which otherwise will forever remain upon the Journals, painful to me the short

time I have to live, and painful to my posterity as long as relationships can be recollected. By your letter and resolve transmitted us I observe no charges disclosed but that relative to fines and forfeitures, tho' several others are circulated in whispers; such as the affair at New Bern (as it is called) the exiling two Tories, McNeil and Brice, and the delay of the business of the Courts; if there are others I wish you had been pleased to have notified them, as I then should have been enabled to have placed them in their true light. As to the fines and forfeitures I do in the most positive express and direct terms, say that I never received and appropriated to my own use one shilling of them, or any other public money whatever, the wretched pittance allowed me by law excepted; often too little to defray my expences at Court. As to the affair at New Bern (if it is in charge) the Houses may probably have a fuller information of it than I can give, but they will pardon and bear a short recital of it; as far as it respects myself it was thus: A suit in Ejectment had been commenced in the Superior Court at New Bern prior to the passing of the act entitled an act, &c., and at the Court in May term last the hasty defendant filed his affidavit (without producing his titles) setting forth that the property in dispute had been confiscated and sold by the Commissioner of the District, and prayed a dismission of the suit, this brought on long arguments from the Council on each side on constitutional points; and when the pleadings were finished, the Court made a few observations on our Constitution and System of Government. I on my part (as far as I now recollect) observed that at the time of our separation from Great Britain, we were thrown into a similar situation with a set of people shipwrecked and cast on a maroon'd Island, without laws, without magistrates, without Government or any legal authority. That being thus circumstanced, the People of this Country with a general union of sentiment by their Delegates, met in Congress and formed that system or those fundamental principles comprised in the Constitution, dividing the powers of Government into separate and distinct branches, to wit: the Legislative, the Judicial and the Executive, and assigning to each several and distinct powers, and prescribing their several limits and boundaries. This I said without disclosing a single sentiment upon the cause, or the proceeding, or the law introduced in support of it. The other Judges proposed to take an advisari thereon, to which I readily agreed, as the printer had never

furnished me with the law, and I had then only read it cursorily, and as I had reason to believe the next Assembly meant to revise the law, and in respect to them wished to decline an opinion, and lastly from a strange malady with which I was then attacked having not slept three hours in as many days and nights next preceding the trial, though I had taken repeated doses of laudanum, I was afraid to give my opinion in that situation in any matter, especially in one of importance. I therefore immediately after the rising of the Court, fearing my malady would increase left New Bern; the matter (I have been told) was stirred again, but the result I know only from report. If my opinion of our Constitution is an error I fear it is an incurable one, for I had the honor to assist in the forming it and confess I so designed it, and I believe every other gentleman concerned did also. As to the exiling McNeil and Brice, the enclosed papers will show upon what grounds the Court proceeded. The case of McNeil was thus: He is a native of Bladen county, upon the arrival of the British joined them, and behaved himself (as has been said) in insupportable insolence, went off with the British and returned upon the preliminary articles of Peace, and during the sitting of the Superior Court at Wilmington, walked the streets with an air of defiance. Colonels Brown and Robertson with several others of the most respectable inhabitants of Bladen who knew him and his late obnoxious behaviour mentioned him to the Court, and said he would be knocked down in the streets but in respect to the Court. A Bill of indictment was preferred and found against him, and he was tried and found guilty of the charge, the Court imposed a small fine and required him to depart the State in sixty days and not to return 'till the pleasure of the Assembly should be known thereon. Brice's character is too well known to require a comment, the proceedings against him were similar. Brice went off, McNeil is still here. The Court thought the peace of the community made the measure necessary, and that the law and treaty justified it. This is the foundation of that charge against the Judges, and I suppose the charge is considered among the Tories as a mighty achievement, a matter of great exultation and triumph that their champion dare stand forth, and in the face of the Legislature accuse the Judicial power of the State for presuming to molest those respectable personages.

As to the charge of delay of business whispered against the Judges

I candidly admit to be in part true ; for tho' the delay has arisen from the *Bar*, the *Bench* are blamable; they have been to blame in not constraining the bar to a more punctual and close attention to the business of the Court ; for often while the Court have been waiting they have been scouring and hunting after fees; the *Bench* have been to blame also, for indulging the *Bar* in unnecessary long and rambling harangues, calculated only to amuse the client, and pay him in empty words for the extravagance of the fee. But *Sirs*, for these blamable indulgences at the first, I had (and I believe my brothers in office also) laudable motives. I wished to convince the people at large (for the minds of many, though they acquiesced under, were not reconciled to, our Government) that the suitors would receive as much Justice from the Courts of the present Government as from those in the former—that the present Judges were as easy of access as patient in hearing and as desirous of redressing wrongs and doing equal justice as those under the Crown. These motives (with me) first gave rise to those indulgences which the lawyers (an encroaching tribe) have carried into a mischief. I hope *Sirs*, from this true State of the above matters, they stand sufficiently elucidated, and the Houses convinced that they originated in malice, and are founded in falsehood. Possibly there are many others against us—the temper of our accuser gives reason to expect it, for I have been told he has been exceedingly active and industrious upon the occasion, leaving no means untried nor stone unturned, and saying with the Poet "*flectere si nequeo Superos, acheronta movebo.*" It is an easy matter to calumniate, to raise up many and variety of matters, fair and innocent in themselves, and by artful and base insinuations, false glosses and coloring and foul misrepresentations pervert them and give them an appearance entirely different from their original complexion, this is throwing dirt into the eyes of the most discerning, it is a measure dark and insidious, and seems now adopted against us, but I rely on the Justice and discernment of the Honorable Houses that they will not suffer misrepresentation and falsehood to take place, where truth and fairness ought to prevail ; far be it from me to say I have committed no errors, it would be a presumption I am incapable of, for I do not pretend to infallibility; but my errors have been those of the head unattended with any corruption or turpitude. The wisest men daily fall into such ; look into the law books where may be seen a Judge giving an opinion

one day and retracting it as error at another ; where may be seen the Judge of one Court reversing for error the opinion of a Judge of another Court and where may be seen the House of Lords reversing the opinion (as erroneous) of a whole Bench of Judges, and yet these errors have never yet been considered criminal, nor the Judges put to answer for them.

*Humanum est errare*, is a true adage and strikingly verified in the accuser himself who is a compound of errors. At my first appointment to the office, sensible of the importance of it, I entered upon it, not with levity but awe ; lifted up my heart to heaven and implored its support and determined that the wealth of empire should not allure nor the crush of worlds deter me from a religious and faithful discharge of it ; in this resolution I have persevered and I am now bold to challenge all the world to fix one act of corruption or one single act of turpitude upon me, no Sirs it cannot be done for my integrity is with me, my hands are clean and my heart is pure ; pardon this vanity of boasting, the occasion has warmed and constrained me into it. The secret spring the source from whence these complaints flow is unknown to the Assembly. I beg leave therefore to disclose it. Our accuser conscious of his demerits in his profession and conceiving that the measure of his transgressions was filled, and that he might become a subject of censure of the Court, and fearing the consequences hath fallen upon this device, if possibly it may be done by false charges and calumnies, to remove the Judges from their seats and to screen himself ; and successful in this (if I conjecture right) his designs lead further ; inflated with self importance he pleases himself with the expectation of an invitation to a Judicial Seat. The Honorable Assembly are not aware of the mischief which will result from their listening to such complaints, for in future if a lawyer should be guilty of malpractice in his profession or of rude or indecent behavior to a Court, and should be reprehended for the same ; he immediately returns a threatening side nod, intimating he can make out a tale elsewhere, thus a timid Judge may be deterred from censuring offences, which ought not to escape ; the lawyer gets the ascendancy, domineers over and insults the Court. It is true a Gentleman in the profession will never fall under reprehension, for he disdains the conduct that may incur it ; but alas, every practitioner is not of that character, and every day's observation points out their insufferable rudeness



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to the inferior Courts. I beg pardon for this long and tedious letter, the matter is interesting to me and therefore I hope the goodness of the Houses will excuse it. I will only add that upwards of forty years I have been in active life, during which time my character has been fair and unsullied ; I have carefully preserved and valued it as dearly as the vital blood that warms my heart for I wished to transmit it as a legacy of a fair example to my children; but alas, unfortunately for them and me at the very Eve of life, at almost the hour of my departure, this character long and carefully preserved, is in danger of being perpetually sullied ; and by whom? A man of yesterday, a ——— unknown. Nothing sublunary is stable, and it is among the uncertainties of human life and I must submit; for the dirty stye may defile the fairest picture, but I trust to the Justice and discernment of the Honorable Houses for reparation. I am Gentlemen,

Yours respectfully, &c.,

SAML. ASHE.

The Honorable The Speakers, &c.

The foregoing letter being read and entered, was ordered to be sent to the House of Commons :

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the sub-committee, appointed by the grand Committee to consider of the present mode of administering the laws of this State, be appointed to consider of complaints to be alleged against the Judges in their official character, that the said sub-committee be considered as the Committee of the Assembly and that they proceed immediately to this enquiry and make report as soon as the nature of the business will admit.

Received at the same time a Resolution of the House of Commons of yesterday declaring that all charges intended against the Judges should be introduced in the Assembly before 12 o'clock on this day; which, being read, was objected to ; whereupon, it was ordered that the following message be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

We agree that the sub-Committee appointed to consider of the present mode of administering the Laws of this State, shall be considered as the committee of this Assembly, that they consider of

such complaints as have been or may be alleged against the Judges in their official character, and that they proceed as by you proposed to make enquiry and report. We have not concurred with your resolution limiting the time in which charges to be exhibited against the Judges shall be delivered in this Assembly, but propose that you amend it by prolonging the time therein mentioned to Monday next 12 of the clock.

We have added Messrs. Macon, Stokes, and Gallaway to the sub-Committee above mentioned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the Gentlemen who delivered to His Excellency the Governor, the message signifying his election for the ensuing year again wait on him and acquaint him that the two Houses are now ready to receive him & see him qualify to his office; and that on this occasion both Houses assemble in the Commons' room.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the Gentlemen who delivered to His Excellency the Governor, the message signifying his election for the ensuing year, shall now attend and conduct him to this place, and that on this occasion the two Houses assemble as by you proposed.

Received from the House of Commons the Bill for establishing an Academy at the place heretofore called Martinborough in the county of Pitt, and for altering the name of Martinborough to that of Greenville. Endorsed, "read the third time, amended and passed."

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the third time and ordered to be Engrossed.

Received likewise a complaint of the Conduct of the Judges exhibited by the Inhabitants of the town of New Bern and its vicinity. Endorsed in the House of Commons, "read and referred to the sub-committee appointed to consider of the mode of administering the law, &c., of this State," which being read, was referred in like manner and returned.

Received also the Bill to repeal part of an act passed at New

Bern the 29th day of December, 1785, entitled "an act for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels in the several counties therein mentioned." Endorsed, "read the first time, & passed."

Ordered that this Bill be read, which being read, was passed the second time & returned.

Mr. Tyson moved for leave and presented a Bill for establishing a town on the land of Richardson Fagin, in the county of Moore, which was read, passed the first time, and sent to the House of Commons.

Received from the House of Commons the following bills to wit: The Bill for establishing the dividing line between the counties of Burke and Rutherford.

The Bill to authorize the Commissioners of Bertie county to collect the arrearages of the specific tax for the years 1780, 1781 & 1782, and the Bill for empowering the Court of Chatham county to adjourn to the town of Pittsborough. Each endorsed, "read the first time and passed.

Ordered that these bills be read, which being read, were respectively passed the second time and returned.

Received likewise the the following bills vizt:

The Bill to emancipate Hannah alias Hannah Bowers, a person of mixed blood belonging to the estate of the late Alexander Gaston, deceased, and the bill for altering the names of Walter Hogg and Gavin Hogg to Walter Alves and Gavin Alves. The first endorsed in the House of Commons, "read the third time and passed," the other "read the second time and passed."

Ordered that these bills be read, which being read were passed the first and third time, & ordered to be engrossed, and the other the second time, which was returned.

Received also the following message:

Mr. Speaker and Gentlemen:

We have appointed Messrs. Davie and Hooper to assist the Gentlemen appointed by the Senate to examine the Engrossed Bills.

Received from the House of Commons the petition of Mrs. Clara Salter and the petition of C. McKenzie and C. Yonge. The former endorsed "read and referred to the Committee of Petitions and Me-

memorials" and the latter "read and referred to Messrs. Blount and Long."

Mrs. Salter's petition being again read, was referred as by the House of Commons.

Received likewise the petition of John Brown. Endorsed in the House of Commons, "read and referred to the Committee of Claims," which, being read, was referred as by the House of Commons and returned.

Received also the bill for the more expeditious recovery of stolen Horses. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read, which being read was passed the second time and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have added Messrs. Franklin and Hamilton to the Committee of Propositions and Grievances, and propose that any five of them shall be a quorum.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We approve of the addition by you made to the Committee of Propositions and Grievances, and consent that the number of that Committee by you mentioned be considered a quorum.

Received from the House of Commons the petition of Andrew Bass and the petition of John Sloan. The first endorsed, "referred to the Committee on Petitions and Memorials" and the second "referred to the Committee of Propositions and Grievances," which being read, were referred in like manner and returned.

Mr. Gallaway presented the petition of a number of Inhabitants of Rockingham county, in favor of George Peay, Esquire, which was read, referred to the Committee of Petitions and Memorials, and sent to the House of Commons.

Received from the House of Commons a Resolution of that body of this day for suspending Henry Finch from the Execution of the Office of Justice of the Peace for Johnston county until the next session of Assembly, when & where he shall appear, and show cause if any he can wherefore such suspension should be taken off. Which being read, was concurred with and returned.

Received also, a bill for appointing Treasurers. Endorsed "read the first time and passed."

Ordered that this bill be read, which being read, was passed the first time and returned.

Mr. Miller presented the Petition of Hugh Ross, which was read, referred to the Committee on Petitions and Memorials & sent to the House of Commons.

Received from the House of Commons the Petition of the Honorable James Coor, Esquire. Endorsed "referred to the Committee of Memorials and Petitions," which, being read, was referred in like manner and returned.

Received likewise the petition of Walton Casey and Charles Greene, of New England. Endorsed, "read and referred as by the Senate."

Received also the bill to vest in Trustees certain powers for the Benefit of Elizabeth Torrens and her children. Endorsed in the House of Commons, "read the first time, and passed."

Ordered that this bill be read, which being read, was amended, passed the second time, and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We herewith send for your concurrence a message addressed to His Excellency the Governor, should it meet your approbation, Mr. Winslow will, on the part of this House, present the same.

The message to His Excellency the Governor, above alluded to, being read and approved of, it was ordered that Mr. Gallaway on the part of this House attend and present him with the same, & that the following be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

We approve of the message by you proposed to be presented to His Excellency, the Governor, and have appointed Mr. Gallaway to attend and present him with the same.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We agree to prolong the time in which charges shall be exhibited against the Honorable, the Judges, until Monday, as by you proposed, and have made the resolve of our House on that head conformable thereto.

Received from the House of Commons a bill to vest certain Salt Springs and Licks in the Trustees of Davidson Academy and their successors for the use of the said Academy. Endorsed, "read the second time and passed."

Ordered that this bill be read, which being read the second time, was rejected.

Received likewise the bill to amend an act entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out public roads, and to establish and settle Ferries and to appoint where bridges shall be built, and to clear inland Rivers and Creeks. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read, which being read, was passed the second time and returned.

Received also the letter this day read in this House addressed to the Honorable, the Speakers of the two Houses from the Honorable Samuel Ashe, Esquire. Endorsed in the House of Commons, "read and referred to the Committee appointed to consider of the mode of administering the Laws and Justice of the State," which was referred in like manner and returned.

Received from the House of Commons the bill for altering the manner of holding the annual elections for the county of Hyde. Endorsed, "read the third time, and passed."

Ordered that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Received likewise the bill to establish the late survey and plan of the town of Tarborough, as made and laid down by the direction of the Commissioners composing the body politic and corporate of the said town; and to amend an act entitled "an act for the better regulation of the town of Tarborough." Endorsed in the House of Commons, "read the third time, and passed."

Ordered that this bill be read, which being read, was passed the third time and ordered to be engrossed.

The petition of Mary Moore was read, referred to the Committee of Memorials and Petitions, and sent to the House of Commons.

Received from the House of Commons the Reports of the Committee of Memorials and Petitions on the petition of William Ledford and the memorial of John Graham. Respectively endorsed in that House, "read and concurred with."

Received likewise the report of the Committee of Memorials and Petitions on the Petition of John Hinton, Esquire. Endorsed, "read and concurred with, the following words being added, vizt: "Resolved that the Comptroller issue such certificate accordingly. "This amendment being read, was agreed to by the Senate."

Adjourned 'til Monday morning 10 O'clock.

Monday December 25th, 1786.

The House met.

Received from the House of Commons the Bill to amend an Act entitled "an act to amend an act entitled an act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting public taxes." Endorsed "read the second time, amended and passed."

Ordered that this bill be read, which, being read, it was on motion of Mr. Harget, ordered that he have leave to withdraw the same for amendment.

Received likewise the bill to vest the title of a piece or parcel of land lying in Jones County in Howell Brown and his heirs in fee simple. Endorsed in the House of Commons "read the first time & passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Mr. Hines presented the Petition of Wm. Ashley and others, which was read, referred to the Committee on Petitions and Memorials & sent to the House of Commons.

Mr. Whiteside presented the Petition of Lodowick Wray, which, was read, referred to the Committee of Petitions and Memorials and sent to the House of Commons.

Mr. Macon moved for leave and presented a bill to emancipate Cæsar, formerly a servant of Samuel Yeargan, deceased, which, was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the affidavit of Dennis McClindon. Endorsed "read and referred to the Committee of Propositions and Grievances" which, being read, was referred in like manner and returned.

Received also, the resignation of David Reese as one of the Justices of the Peace for Mecklenburgh County. Endorsed in the

House of Commons "read and accepted," which, being read, was accepted and returned.

Received likewise the bill for the relief of George Laine Moore & William Jones. Endorsed "read the second time and passed."

Ordered that this bill be read, which being read, was passed the third time and returned.

Received from the House of Commons the bill for raising money by a lottery, for the purpose of building a house for the reception of the poor in Craven County. Endorsed "read the second time, amended & passed."

Ordered that this bill be read, which being read, was amended, passed the second time and returned.

Received likewise the bill for dividing the County of Davidson into two Counties. Endorsed "read the first time and passed."

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received also, a bill to enable William Moore, late sheriff of Burke County, to collect all the taxes due from the said County for the year 1785, and to allow him a further time for settling for his Collections with the Treasurer. Endorsed in the House of Commons "read the first time and passed."

Ordered that this bill be read, which, being read, was passed the first time and returned.

Mr. Macon presented the account of Colonel Nicholas Long against the State, which was read, referred to the Committee of Claims and sent to the House of Commons.

Received from the House of Commons a bill to amend an act entitled "an act for the more regular collecting, payment of and accounting for the public taxes." Endorsed "read the first time and passed."

Ordered that this bill be read, which, being read, was passed the first time and returned.

Mr. Gallaway moved for leave and presented a bill to amend an act passed at Hillsborough in the year 1782, entitled an act to vest the title of a certain tract of Land in Robert Cummings, &c., which was read the first time, passed and sent to the House of Commons.



Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have added Mr. McKenzie and Mr. Sitgreaves to the Committee for examining the Engrossed Bills.

Received from the House of Commons the following report, to-wit :

Your Committee to whom was referred the examination of the State Prisoners report—

That they have taken several depositions, as well of the prisoners as of the witnesses ; that additional charges appear against John Bonds, Esquire, by the depositions marked No. 3, 4 & 10; and also, against the Treasury office and one of the Commissioners of Army accounts by the depositions No. 2, 5, 7, 8, 10 and 15.

The depositions No. 1, 5, 6, 11, 12 and 13 contain certain charges against William Sanders, Charles Dixon, Wynn Dixon, John Marshall and others, to all which depositions the Committee beg leave to refer the House.

By the Deposition No. 14 of Everitt House, Your Committee find that when the deputy sheriff of Dobbs County took into charge the property of John Price, that the said Everitt House did see a small Trunk which he supposed to contain a large number of grants, which the wife of the said Price, claimed as the property of Col. James Glasgow, and that the trunk was afterwards delivered unto Colonel James Edmunston. As the examinations are now gone almost through, with respect to those persons already apprehended or accused, Your Committee beg leave to refer the House to the opinion of the Attorney General relative to their being held to jail or bailed & the proper mode, time and place of prosecution and Trial

All which is submitted.

S. CABARRUS,  
F. HARGET,  
GRIFFITH RUTHERFORD,  
ISAAC GREGORY,  
JAMES GILLISPIE,  
JAMES MARTIN,  
A. NEALE.

This report was endorsed in the House of Commons “read and concurred with,” which, being read, was concurred with and returned to the House of Commons.

Received from the House of Commons a resolution of that body of this date for admitting to bail the several persons apprehended and charged with the crimes of fabricating false accounts, &c., which was read, concurred with and returned.

On motion, ordered that Mr. Stokes and Mr. Harget be added to the Committee for examining Engrossed bills & that the House of Comons have notice hereof by the following Message :

Mr. Speaker and Gentlemen :

The Senate have added Mr. Stokes and Mr. Harget to the Committee for examining the Engrossed Copies of Bills.

Received from the House of Commons the account of Col. Long. Endorsed "read and referred as by the Senate."

Received likewise the Petition of Josiah Parker. Endorsed in the House of Commons "read and referred to Messrs Blount, Phifer & Holland," which, being read, was on the part of this House referred to Messrs. Wynns, Hill and Miller and returned.

Adjourned 'til to-morrow morning 10 O'clock.

Tuesday, December 26th, 1786.

The House met.

Received from the House of Commons a bill for allowing to Benjamin Smith a further time for finishing the Causeway over the great Island opposite to the Town of Wilmington, under such regulations and restrictions as are therein expressed and declared. Endorsed "read the first time and passed."

Ordered that this bill be read, which being read, was laid over until the next Assembly.

Mr. Miller moved for leave, and presented a bill to appoint Commissioners to carry on and finish the public buildings in the county of Anson, which was read the first time, passed, and sent to the House of Commons.

Received from the House of Commons the bill to amend an act entitled an act directing the mode of proceeding against the estates of deceased persons, where the personal estate is insufficient for the payment of debts. Endorsed, "read the first time, and passed."

On motion of Mr. Campbell, the House resolved as follows to wit :

Whereas, it has been represented to this General Assembly that certain suspended Majistrates of New Hanover county in the Court of the said county, and in last term of January, 1786, did in a sud-

den and precipitate manner and without any previous notice go into the said Court when there were but few Magistrates on the Bench, though many attending, and demanded that the Oath prescribed by the last Clause of the act of pardon and oblivion might be administered to them, which they were ready to take in order to enable them to act as justices, and the said oath was accordingly administered and the said suspended Justices took their seats in consequence thereof; and whereas several of the Justices of the said county, to wit: Thomas Bloodworth, John A. Campbell, James Read, John Huske, David Flowers and John Fergus, Esquires, being dissatisfied with the admission of some of the said suspended Justices, entered their Dissent against the said admission on the minutes, alledging among other things, that the offences of the said suspended Justices might be various and ought to have been particularly inquired into before their suspension could with propriety be taken off.

Resolved, therefore, that the mode of admitting the said suspended Justices was improper and unwarranted by law, and that their conduct should and ought to be examined and reconsidered by the Court of their county, and the clerk of the Court of New Hanover county, is hereby directed as soon as may be to issue notices to them respectively to be at the said Court at the next session to be held after the first Monday in April, when their admission to act as Magistrates is to be reconsidered, and the Court to proceed in the confirmation or rejection of the said admission as the respective merits or demerits of the suspended Justices shall to them be made to appear upon due proof and the Oath of them respectively upon such questions as the Court may propound for that purpose, and that there shall not be less than six acting Justices upon the Bench at the admission of such suspended Justices.

Sent for concurrence.

Received from the House of Commons the following bills to wit:

A bill for laying a tax on all seamen coming into the respective ports of this State for raising a sum for the support of sick seamen, and for the proper appropriation of the sum.

A Bill to amend the law relative to attachment of property, and

A Bill to enable the Executors of Robert Hogg to maintain and defend suits under the regulations therein mentioned. Each endorsed, "read the first time and passed."

Ordered that these bills be read, which being read, were respectively passed the first time and returned

Received from the House of Commons the Bill for erecting Bogue Barr and New River Inlets into a distinct Port by the name of Swannsborough. Endorsed, "read the third time and passed."

Ordered that this bill be read, which being read was passed the third time, and ordered to be engrossed.

Mr. McCawley delivered in the following report, to wit :

The Committee appointed by Resolve of the General Assembly at New Bern, December, 1785, for the purpose of receiving the old dollar bills of this State from Memucan Hunt, Esquire, public Treasurer, and destroying the same, report—

That they have received from the Treasurer and destroyed the sum of seven hundred & ninety-two thousand two hundred and ninety-three old dollars of this State. All which is submitted.

JOHN BUTLER,  
WILLIAM McCAWLEY.

On the back of this report was the following receipt, vizt :

October 30th, 1786.

Received and destroyed thirty-one thousand nine hundred and fifty-seven old dollar bills from Memucan Hunt, Esquire, Treasurer, exclusive of the within mentioned sum.

WILLIAM McCAWLEY.

£792,293

£ 31,957

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£824,250 total, amounting at 800 for one to Four Hundred and twelve pounds, two shillings & six pence.

The House taking the foregoing report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the following message, viz:

Mr. Speaker and Gentlemen :

In the report of the Committee appointed to examine the prisoners, &c., of yesterday, that part thereof relative to Colonel Glasgow, was ordered by this House to be struck out of the report, it was accordingly done on the Journal, and the deposition relative thereto

withdrawn, but omitted in the report sent for your concurrence; the House was induced to this from a conviction of Mr. Glasgow's innocence, which appeared by sundry papers produced. We therefore propose that the report so far as relates to him be expunged.

The House taking this proposition into consideration, resolved, that the message which it contained lie on the table for consideration.

Received from the House of Commons the bill for establishing a Militia in this State. Endorsed, "read the first time, & passed."

Ordered that this bill be read, which being read, was amended, passed the second time and returned.

On reading this bill a motion was made by General Ramsey, seconded by Mr. Hill, that the word *Bayonets* in the clause thereof which directs the manner in which the non-commissioned officers & privates shall appear equipped at musters be deled, this being objected to the question was put and carried in the affirmative, whereupon the yeas and nays being called for were as follows, to wit:

For the amendment proposed—Messrs. Sharpe, Jordan, Medlock, J. Armstrong, Macon, McCawley, General Simpson, Messrs. Moore, Bonner, Whiteside, Eaton, Lewis, Gowdy, Stone, Mooring, Riddick, Mitchell, Gallaway, Hines, Campbell, Wynns, General Ruthersford, and Mr. Tyson—23.

Against the proposed amendment—Messrs. Thomas Armstrong, Battle, General Ramsey, Mr. Tipton, General Gregory, Messrs. Gillispie, Herritage, Mayo, Clinton, Harget, Stokes, Hill, Harris, Bledsoe, Martin, Herndon and Miller—17.

So the amendment took place, and the word *Bayonet* was expunged from the bill.

Received from the House of Commons the bill for the support of Government, and for appropriating the revenues of the State. Endorsed, "read the second time, amended and passed."

Ordered that this bill be read, which being read, was passed the second time and returned.

Received from the House of Commons a resolution of that Body of this day relative to a number of the Officers of the late continental line of this State, which being read and objected to, it was or-

dered that the following message be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

This House do not concur with the resolution of yours of this day relative to the Officers of the late Continental line of this State, but return it herewith in order that you may amend it by inserting the name of Colonel Armstrong in the 6th line of the first page of this resolve immediately after that of Hardy Murfree; by inserting likewise the name of Dixon Marshall immediately after that of Benjamin Coleman on the eleventh line of the same page; and by deleting the last part of your resolve which is relative to Colonel Armstrong and Major Blount, and which is now included within lines marked by a pen. Should you think proper to make the amendments, we will then on its being returned concur with it.

Received from the House of Commons a resolution of that body of this date directing the sub-Committee of Finance No. 2, to count, destroy and report the sum of ragged money in the hands of the Treasurer unfit for circulation, and to punch the warrants and orders of the General Assembly already taken up by the Treasurer & make report which was read, concurred with and returned.

General Ramsey presented the petition of Margaret Monroe and Sarah McIver, which was read and rejected.

Received from the House of Commons the Bill to amend an act entitled "an act for emitting £100,000 paper Currency for the purposes herein mentioned." For appropriating the tobacco lately purchased by virtue of the said act towards the discharge of the Interest of the foreign debt due by the United States, and for making provision for the future discharge of the principal and interest of the said debt. Endorsed, "read the second time & passed."

Ordered that this bill be read, which being read the second time, was rejected.

Mr. Hill moved for leave and presented a bill to empower the Commissioners therein mentioned, to sell the public Lotts in the town of New Bern with the palace and other public buildings thereon, in manner therein mentioned ; which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the bill to prevent the selling of Goods, Wares or Merchandize for hard money only, and

to prevent the depreciation of the paper currency. Endorsed "read the first time and passed."

Ordered that this bill be read, which being read, was rejected.

Whereupon, the yeas and nays being called for by Mr. Herndon, seconded by Mr. Macon, were as follows, vizt :

For the passing of this bill Messrs. Jordan, Medlock, Genl. Gregory, Messrs. Whiteside, Gillispie, Herritage, Clinton, General Ruth-erford, Messrs. Herndon, Gowdy, Hill, Mitchell, Harris, Gallaway, Bledsoe, Martin and Tyson—17.

Against passing and for rejecting this bill Messrs. Sharpe, Thomas, Armstrong, Battle, Genl. Ramsey, Messrs. Tipton, J. Armstrong, Macon, McCawley, Bonner, Eaton, Mayo, Hargett, Stokes, Stone, Jones, Riddick, Hines, Campbell, Wynns and Miller—20.

So this bill was rejected.

Mr. Clinton presented the account of James Brantley against sundry persons lately confined by order of this General Assembly, which, being read, the House resolved that the following be inserted therein, to wit :

Resolved, That Richard McKinnie, Esq., be, and he is hereby directed, to discharge & pay off the above account out of the money he has in his possession for the purpose of paying the sums allowed for the daily attendance of witnesses, and for his so doing this shall be a sufficient voucher in the settlement of his account.

Sent for concurrence.

Received from the House of Commons the report of John Butler and William McCawley, relative to ragged money by them burned pursuant to a resolution of the last Assembly. Endorsed in that House "read and concurred with."

On motion of Mr. Gillispie the House resolved as follows, vizt:

Resolved, That the sheriff of Dobbs County be, and he is hereby required to deliver up to each and every person, all his or their property of which property he, the said Sheriff, hath become possessed in consequence of any resolution or resolutions of this General Assembly, whenever it shall be certified to him by the Honorable the Judges, that the person or persons claiming have given bond with sufficient security for his or their personal appearance at the Court of Oyer & Terminer, to be held at the Town of Warrenton on the last Monday in January next, and for the safe keeping

and forth coming of his or their property to answer the decree of the said Court.

Sent for concurrence.

Received from the House of Commons the bill for altering the names of Walter Hogg and Gavin Hogg to Walter Alves and Gavin Alves, the name of James Mason to that of James Isham, and the name of Jonathan Ballinger to that of Jonathan Parker. Endorsed "read the third time, amended and passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received likewise the resolution of this House of to-day relative to the property now in the hands of the sheriff of Dobbs County, which heretofore belonged to sundry Inhabitants of the said County, late confined by order of this General Assembly. Endorsed in the House of Commons "read and concurred with."

Received also, the bill for the inspection of Tobacco at Joseph Green's, in Wayne County. Endorsed in the House of Commons "read the second time & passed."

Ordered that this bill be read, which, being read, was passed the second time and returned.

Received from the House of Commons the Bill empowering the Court of Chatham County to adjourn to the town of Pittsborough in the said County. Endorsed "read the second time and passed."

Ordered that this Bill be read, which, being read, was passed the third time and returned.

Received likewise the bill to amend an act passed at Hillsborough in the year 1782, entitled "an act to vest the title of a certain tract of land in Robert Cummings," &c. Endorsed "read the first time and passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Received also, the bill to appoint Commissioners to carry on and finish the public buildings in the County of Anson. Endorsed in the House of Commons "read the first time and passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Received from the House of Commons the bill for dividing the County of Sullivan. Endorsed "read the second time, amended and passed."



Ordered that this bill be read, which, being read, was passed the third time and returned.

Received likewise the bill for raising money by a Lottery for the purpose of building a House for the reception of the poor in Craven County. Endorsed in the House of Commons "read the third time, amended & passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received also, the bill for the removal of the place for holding Courts of Pleas and Quarter Sessions in the County of Washington & for appointing Commissioners to fix on the most convenient place for holding the same. Endorsed in the House of Commons "read the first time, amended and passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Received from the House of Commons the following bills, vizt:

The Bill for the promotion of learning in the County of Chatham, and the additional bill to an act entitled "an act to prevent the several species of hunting therein mentioned. Each endorsed "read the second time and passed."

Ordered that these bills be read, which, being read, were respectively passed, the former the third and the latter the second time and returned.

Received likewise the bill to vest in Trustees certain powers for the Benefit of Elizabeth Torrens and her children. Endorsed "read the second time & passed."

Ordered that this Bill be read, which, being read, was passed the third time and returned.

Received also the bill to repeal part of an act passed at New Bern the 29th day of December, 1785, entitled "an act for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels in the several counties therein mentioned." Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this bill be read, which being read, was passed the third time and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We propose that the nomination of Justices of the Peace and

Field Officers shall be made on Thursday next, and desire your concurrence.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We agree that the Justices of the Peace and Field Officers to be appointed by the present Assembly, be nominated on Thursday next.

Adjourned 'til to-morrow 9 O'clock.

Wednesday, Dec. 27th, 1786.

The House met.

On motion of Mr. Battle, the House resumed the consideration of the bill to amend an act entitled an act for emitting £100,000 paper currency for the purposes therein mentioned; for appropriating the Tobacco lately purchased by virtue of the said act towards discharging the interest of the Foreign debt due by the United States, and for making provision for the future discharge of the principal and interest of the said debt, which being read and amended as by him proposed, was put on its passage when it was passed the second time, with the amendments and sent to the House of Commons.

Received from the House of Commons the bill to impose a duty on all slaves brought into this State by land or water. Endorsed, "read the third time, and passed."

Ordered that this bill be read, which being read, was amended by consent of the House of Commons, passed the third time, and ordered to be engrossed.

On motion of Mr. Macon, it was ordered that the following message be sent to the House of Commons, vizt:

Mr. Speaker and Gentlemen :

The Senate propose in order to save time that the bill altering the Court system be committed, to which end they appoint General Rutherford, Messrs. Stokes and Macon a committee on their part, and propose further that such Committee be directed to report the amendments by them deemed necessary, by to-morrow 12 of the clock.

Mr. Hill delivered in the following report, vizt :

Your Committee to whom was referred the Claim of Samuel Cross report,

That it appears by the certificate of the County Commissioner of

Rowan, that he, the said Commissioner, did receive from said Cross, Sixty-Seven Head of beef cattle, which were impressed from him, allowed to weigh twenty thousand seven hundred and fifty pounds weight, which was received for the use of the Quarter Master's Post at Salisbury to support the prisoners at Salisbury aforesaid, taken at the Eutaw, and as the certificate appears to be deficient in not having the price inserted, your Committee recommend that the Comptroller be directed to make out a specie certificate in favor of the said Cross, ascertaining the price allowed by law. All which is submitted.

HENRY HILL, Ch.

The House taking this report into consideration, resolved, that they do concur therewith and ordered that it be sent to the House of Commons.

Received from the House of Commons the bill to confirm unto Richard D. Spaight an indefeasable title to certain lands therein mentioned. Endorsed "read the first time & passed."

Ordered that this bill be read, which, being read, was passed the second time and returned.

Mr. Armstrong presented the Petition of James Collins, which was read, referred to the Committee to whom was referred the Petition of William England and sent to the House of Commons.

Received from the House of Commons the Bill to amend an act entitled "an act to amend an act entitled an act for ascertaining what property in this State shall be deemed taxable property, the method for assessing the same and collecting public taxes." Endorsed "read the second time, amended and passed."

Ordered that this bill be read, which, being read, was amended, passed the second time and returned.

On reading this bill a motion was made and seconded, that the part thereof which directed the classing of lands, and which had been deled by the House of Commons, should again be re-instated in the Bill; this being objected to the question was put and carried in the negative, whereupon, on motion of General Rutherford, seconded by Mr. Herndon, it was ordered that the yeas and nays be taken on this question, which were as follows, vizt.:

For classing lands as by this bill when it last went from this House, Mr. Sharpe, Genl. Ramsey, Messrs. Medlock, McCawley,

Moore, Whiteside, General Rutherford, Messrs. Stokes, Hern-  
don, Gowdy, General McDowell, Messrs. Harris, Gallaway, Bledsoe,  
Martin, and Miller—16.

For the bill as it-stands and against classing lands—Messrs. Jor-  
dan, Battle, Tipton, Macon, Simpson, Bonner, General Gregory,  
Messrs. Eaton, Gillispie, Brown, Herritage, Mayo, Clinton, Harget,  
Lewis, Stone, Mooring, Jones, Hill, Riddick, Mitchell, Hines, Camp-  
bell, Wynns and Tyson—25. So the motion was negatived.

Received from the House of Commons the following messages, vizt:

Mr. Speaker and Gentlemen :

We agree that the bill for altering the Court system be committed  
as by you proposed, and have on our part as a committee for that  
purpose appointed Messrs. P. Hawkins, Sitgreaves and I. G. Blount.

Mr. Speaker and Gentlemen :

We propose that the two Houses assemble to-morrow morning at  
9 o'clock to hear the Treasurer in defense of himself with respect to  
the charges of misconduct in office contained in the several deposi-  
tions taken on that subject by the secret Committee.

The foregoing being read, it was ordered that the following mes-  
sage be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate have received the message of your House proposing  
that the two Houses assemble to-morrow morning at nine of the  
o'clock, to hear the public Treasurer in his defense as to the charges  
against him contained in the depositions taken by the secret com-  
mittee, to which proposition they do not agree, thinking such a  
measure productive of too great a delay of business, but consent (if  
agreeable to you) that the two Houses convene for that purpose at  
4 of the clock in the afternoon of tomorrow.

Adjourned 'til 4 of the clock, P. M.

Met according to adjournment and

Adjourned 'til to-morrow morning 9 o'clock.

Thursday December 28th, 1786.

The House met.

Received from the House of Commons the following report, to-wit:  
The subdivision of the Committee appointed to consider and re-

port upon the application of the one hundred thousand pounds emitted, beg leave to report.

That with much care and attention they have investigated the accounts of the Treasurer, so far as they apply to the due Bills, that they find he has paid to the holders of them the sum of sixty-one thousand eight hundred and forty eight pounds and three pence. That the said due bills are signed by the Commissioners of Army Accounts to wit, by Benjamin McCulloch, Henry Montfort, and John Macon, in some instances by the three, occasionally by two of them.

They further report that they have critically inspected the Army accounts & Orders under and by authority of which the said Commissioners have granted due Bills and Certificates. That they find the said accounts signed in almost every instance by a Captain or Subaltern and countersigned by a Field Officer. That the accounts in the very face of them in most of the instances in which your Committee have examined them carry with them the most decided proof of Fraud. That the orders produced by the Commissioners of Army accounts so far as they relate to Butcher, Faircloth, Price, Totevine and Sanders, are almost without an exception, so far as your Committee could discover, false, fraudulent and counterfeit. These orders have been made out with so little caution, with such an utter disregard of appearances that your Committee have in a very few instances only hesitated to decide upon them, so few that that they have not thought it necessary to note the distinction.

Your Committee have not passed through but in part the accounts of Butcher, Price, Totevine and Sanders. The further investigation of them must be reserved for a Board of Commissioners specially appointed for that purpose, who may sit in the recess of the Assembly; such a one with powers competent to its object your Committee beg leave to recommend to be appointed by the Legislature during its present session.

Your Committee request that you would regard those whose names are herein inserted, tho' perhaps the principal offenders, yet but as a small portion of the number of those who have been involved in this iniquitous business. For the rest of them your Committee beg leave to refer you to the Book of accounts of the Commissioners and Treasurer, to the Army accounts. Orders and due Bills in the hands of the Commissioners as well as those which

have been deposited in the Course of our examination with Pleasant Henderson, Clerk of this Committee.

Your Committee for the general Information of this House, have thought proper to state from the Treasurer's List of payments, the names of those who have been the principal Receivers from the Treasury Office with the several sums that have been paid into their hands for themselves and others, to wit :

|                          |              |
|--------------------------|--------------|
| Benjamin McCulloch ..... | £23132 /14 0 |
| Henry Montfort .....     | 6939 2 7     |
| William Faircloth .....  | 6935 8 11    |
| Thomas Donoho .....      | 1790 0 4     |
| William Sanders .....    | 1997 6 8     |
| John McNeese .....       | 476 14 2     |

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Amounting to.....£ 41271 /14 2

Your Committee had an explanation with the Secretary of this State relative to certain due Bills paid to him and received from him the most unequivocal proof of the integrity of his conduct on that Business, nor have they, from any information which they have, had the slightest reason to call his character into question.

Your Committee further report that the Commissioners of Army accounts have received from the Treasury of the State by virtue of \_\_\_\_\_ ten thousand pounds which was to be applied so far to the payment of the claims of the Officers and Soldiers; that the said Commissioners have not rendered to your Committee any account of the disposition of the said money.

From various Depositions and Reports upon your Table, it will appear that John Price hath received due Bills from the Commissioners for liquidating Army accounts to a vast amount. From the Treasurer's Books it will appear that Receipts have been had upon these by others, for and in behalf of Price; or for themselves by his Order. All which is submitted.

ISAAC GREGORY,  
JAMES GALLAWAY,  
JOHN STOKES,  
WILLIAM HOOPER,  
JNO. SITGREAVES,  
A. NEALE,  
WILLIAM POLK,  
DAVID VANCE.

This Report was endorsed in the House of Commons "read and concurred with," which, being read, was concurred with and returned.

Resolved, That the Secretary of the State be and he is hereby directed to issue Military Land Warrants on application of Isaac Hicks, John Murray, Martin Miller, John Brooks and the legal Representatives of Samuel Griffith; deceased, for such quantities of land as they and each of them shall make appear they are justly entitled to.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have made the resolve respecting the Officers conformable to your proposition, which we now send for your concurrence.

Received together with the foregoing message the resolution al- luded to, which was read, as amended concurred with and returned to the House of Commons.

Received likewise a resolution of the House of Commons of yesterday for discharging on certain conditions John Faircloth & others now in confinement ; which was read, concurred with and returned.

Received also, a resolve of yesterday directing the Comptroller to settle the accounts of Mr. McKinnie as Paymaster to certain wit- nesses brought before this Assembly, which was read, concurred with and returned.

Received from the House of Commons a Resolution of that Body of this day directing the public Printer to strike off two hundred copies of the report of the Committee of Finance respecting the Revenue and Estimates for the year 1787, which was read, con- curred with and returned.

Mr. Campbell delivered in the following report, to-wit :

Your Committee to whom was referred the Petition of Colonel George Mitchell, report—

That it appears that the said Mitchell did advance to his Com- pany of North Carolina Troops in part of their pay to enable them to go on to the Northward in September, 1776, the sum of one hun- dred and thirty-five pounds which sum has never been repaid to the said Mitchell. We are therefore of opinion that the said George

Mitchell have a draft on the Treasury for the said sum of one hundred and thirty-five pounds.

All which is submitted.

JOHN A. CAMPBELL.

The House taking this report into consideration concurred therewith and ordered that it be sent to the House of Commons.

Received from the House of Commons a Letter from Benj. Smith, Esquire, relative to monies heretofore drawn by him in part of his Salary as Delegate from this State in Congress ; accounting for the disposition and settlement of the same, &c. Endorsed "read and ordered to be sent to the Senate," which, being read, was ordered to be filed.

Received likewise the Bill for adding part of Craven County to Dobbs County. Endorsed in the House of Commons "read the first time and passed."

Ordered that this Bill be read, which, being read the second time, was rejected.

Received from the House of Commons the following report, vizt :

The Committee to whom the Governor's message, covering the accounts of Stephen Moore of Caswell County, was referred, report—

That on examining the said accounts a Balance appears due to said Moore (authenticated by a certificate of Joseph Nourse, Register of the Treasury Office of the United States) of three thousand four hundred and nine dollars and twenty-two ninetieths of a dollar, drawing an interest of six per cent. per annum from the first day of January, 1784, until the same shall be paid. It also appears to your Committee by a Resolution of Congress bearing date the 18 July, 1786, that the said Stephen Moore obtained a draft from the United States on this State for thirty thousand dollars when depreciated to forty for one ; and that this State had at that rate been credited for the same in the books of the Treasury of the United States. By a Certificate from the Comptroller of this State it also appears that the said Stephen Moore received the aforesaid sum of thirty thousand dollars of Richard Cogdell, then Treasurer of New Bern District in May, 1780, at a time when the depreciation was sixty for one, making a difference of two hundred and fifty dollars in favor of this State.

Your Committee sensible of the advantages that will accrue to



this State by payments made in consequence of & under the said resolution, beg leave to recommend that the Treasurer be directed to pay the said sum of three thousand four hundred and nine dollars and twenty-five ninetieths of a dollar with the accruing interest, whenever he shall produce any resolve of Congress that the same when paid shall be deducted out of the amount of any Requisition then next to be made on this State; also the further sum of two hundred and fifty dollars the difference of depreciation on the draft aforesaid, with interest from May 1780 until paid.

All which is submitted.

JOHN ARMSTRONG,  
WILLIAM HOOPER,  
JNO. SITGREAVES,  
JOHN MACON.

This report was endorsed in the House of Commons, "read, amended and concurred with, as amended," which being read, was concurred with in like manner and returned.

Received likewise the Bill for raising troops for the protection of the Inhabitants of Davidson county. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this bill be read, which being read, was amended, passed the Second time, and returned.

Received also by way of the House of Commons, a message from His Excellency, the Governor, covering the petition of John Trubody. Endorsed in the House of Commons, "read and referred to Messrs. Hooper & Phil. Hawkins," which being read, was referred on the part of this House to Mr. Gallaway & Mr. Eaton and returned.

Mr. Hill moved for leave and presented a bill to repeal the several acts of Assembly respecting slaves as far as the same relate to making an allowance to the owner or owners for any executed or outlawed slave or slaves; which was read, passed the first time, and sent to the House of Commons.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have received your message of yesterday's date proposing that the two Houses assemble in the Commons room at one of the

Clock in order to hear the public Treasurer in his defence, &c., to which we agree.

The Senate now proceeded to the room in which the House of Commons sit, when the two Houses being convened resolved themselves into a Committee of the whole, and made choice of Elisha Battle, Esquire, for Chairman. They then proceeded to hear the Treasurer in his defence, when the Testimony charged against him as arranged by Mr. Maclaine was read, whereupon the Treasurer introduced divers witnesses who were examined. The Committee then rose and Mr. Battle, the Chairman, reported that the Treasurer had been heard in his defence, but that the committee conceived there was no necessity for giving a particular detail of their proceedings or coming to any resolution thereon as the intention of their meeting was only to give the Treasurer an opportunity of vindicating his conduct of which each Individual member had probably formed an opinion in the course of the proceedings of the Committee.

This Report was concurred with by the Committee, whereupon the Senate retired to their room.

Received from the House of Commons the Bill for the better regulation of the town of Hillsborough. Endorsed, "read the second time, amended and passed."

Ordered that this bill be read, which being read, passed the second time and returned.

Received likewise the Bill to establish a town on the east side of the North-east of Cape Fear River in Duplin county. Endorsed in the house of Commons, "read the second time and passed."

Ordered that this bill be read, which being read, was passed the second time and returned.

Received also by way of the House of Commons, a letter from the Honorable Samuel Spencer & John Williams, Esquires, two of the Judges of the Superior Courts of Law and Equity in this State, together with a Resolution of the House of Commons consequent thereon; which resolution being read, was concurred with and returned.

Received from the House of Commons a Resolution of that body of this day, directing the Comptroller to furnish a list of the names of the District Treasurers, County Commissioners of Confiscated Property, Commissaries of Prisoners, &c., who have not fully set-

ted their account with the public; which was read, concurred with and returned.

Received likewise the Bill to make the Securities therein named negotiable. Endorsed in the House of Commons, "read the third time, amended and passed."

Ordered that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Mr. Battle delivered in the following report, vizt. :

Your Committee to whom was referred the Accounts of the Commissioners of Confiscated property and Superintendents of the Press report,

That they have examined the several papers and matters and other circumstances relative to the accounts of the said commissioners and superintendents, to-wit: the account of Griffith I. McRee, Commissioner of Confiscation for the district of Wilmington, whereby it appears to your Committee that the said McRee has sold in the several counties of the said district confiscated property to the amount of £46,607 /9 for which he has accounted to the public with the proper officer and lodged certificates issued by the Commissioners of army accounts to the amount of £14,985 /7 7d, whereby there appears to be a balance due the State of £31,622 /5 5d.

The account of Archibald Lytle, Commissioner of Confiscation for the District of Hillsborough, whereby it appears that he has sold confiscated property in the several Counties of said District to the amount of £38,714 /18 4d, for which he has accounted to the public with the proper officer and lodged certificates to the amount of £19,701 /19 5d, whereby there appears to be due the State a balance of £19,012 /18 11d.

The account of Charles Bruce, Commissioner of Confiscation for the District of Salisbury, whereby it appears that he has sold confiscated property to the amount of £33,316 /0 6d for which he has accounted with the public and lodged in the proper office certificates to the amount of £15,414 /4 7d, whereby a balance appears to be due the State of £17,901 /15 11d.

The account of Hardy Murfree, Commissioner of Confiscation for the District of Edenton, whereby it appears he has sold confiscated property to the amount of £42,916 /4 0d for which sum he hath accounted to the public with the proper officer and lodged certificates

to the amount of £30,583 /14 9d, whereby there appears a balance due the State of £12,332 /9 3d.

The account of Nicholas Long, Commissioner of Confiscation for the District of Halifax, by which it appears he has sold confiscated property in the said District to the amount of £24,905 /18 for which he hath accounted to the public and lodged certificates, &c., in the proper office to the full amount of sales in the said District.

The account of General James Armstrong, Commissioner of Confiscation for the District of New Bern, whereby it appears that the said Armstrong hath sold confiscated property in the said District to the amount of £14,294 /0 0d for which he hath accounted to the public and lodged certificates in the proper office to the full amount of the said sales. Which said balances are in the hands of the Commissioners in Bonds taken according to the act of Assembly not yet payable.

Your Committee further report that on examining the account of Benjamin Sheppard, formerly a Commissioner of Confiscation for the District of New Bern, it appears that the said Commissioner has sold property in the said District for prompt payment in specie money at a time when there was no circulating medium in this State but coined money to the amount of £2,160 for which sum they conceive he hath properly accounted with the public. Also property at five years credit payable in the Currency of the State to the amount of eleven thousand and sixty pounds four shillings; and the credits given balance his account, provided they should be admissible which in the opinion of your Committee they cannot well be, as will more fully appear on the face of the account to which your Committee beg leave to refer the Honorable House.

Also the Account of John Sitgreaves, Esquire, formerly a Commissioner of confiscated property for the District of New Bern, whereby it appears that the said Commissioner hath collected confiscated debts to the amount of seven thousand three hundred and ninety-nine pounds seven shillings and eight pence; for which sum he hath accounted with the public.

That after examining the accounts of James Gillispie, Esquire, one of the Superintendents of the Press, for printing the late emission of money as settled with the Comptroller, your Committee are of opinion that it is fairly stated and that the several charges therein made for his services and expenditures for procuring paper and other necessities for carrying on the business are just and reasonable.

Your Committee beg further to observe that a number of the former Commissioners of confiscated property have not settled their accounts with the public and do recommend that some method be fallen on to bring them to a settlement.

ELISHA BATTLE, Ch.

The House taking this report into consideration, resolved, that they do concur therewith and ordered that it be sent to the House of Commons.

Received from the House of Commons the Bill for purchasing Arms and Military stores, and for establishing a Magazine. Endorsed, "read the first time and passed."

Ordered that this bill be read, which, being read, was amended, passed the second time and returned.

Received likewise the bill for the inspection of tobacco at Joseph Green's, in Wayne county. Endorsed in the House of Commons, "read the third time and passed."

Ordered that this bill be read, which, being read, was passed the third time and ordered to be engrossed.

Received also the bill to emancipate Casar, formerly a servant of Samuel Yeargan, deceased. Endorsed in the House of Commons, "read the first time and passed."

Ordered that this bill be read, which, being read, was passed the second time and returned.

Mr. Gallaway delivered in the following report, vizt :

The Committee to whom was referred the Memorial of Joseph Cain, Esquire, late Treasurer of Wilmington District report.

That they have considered the said Memorial, and after examining his accounts are of opinion that he be allowed the sum of one hundred and sixty pounds thirteen shillings and four pence in full for his salary for one year and eight months, for which it appears to your Committee he has had no allowance; and also the sum of thirty pounds for his extra services as per his account rendered, which shall be credited to him in the settlement of his accounts with the Comptroller. All which is submitted.

JAMES GALLAWAY, Ch.

The House taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the bill for annexing part of the county of Craven to Pitt county. Endorsed, "read the third time and passed."

Ordered that this bill be read, which, being read, was passed the third time, and ordered to be Engrossed.

The passage of this bill being objected to, it was, on motion of Mr. Gallaway, seconded by Mr. Harget, ordered that the yeas and nays be taken thereon which were as follows, vizt :

For passing of this bill—Messrs. Thomas Armstrong, Battle, Macon, McCawley, Genl. Simpson, Messrs. Bonner, Whiteside, Gillispie, Herritage, Lewis, Mooring, Hill, Mitchell, Hines, Martin and Tyson—16.

Against passing this bill—Messrs. Jordan, Moore, Genl. Gregory, Messrs. Eaton, Mayo, Clinton, General Rutherford, Messrs. Harget, Stone, Riddick, Gallaway, Campbell, Wynns and Miller—14. So this bill was passed the third & last time.

The subscribing members then moved for leave, and entered their dissent against the passage of this bill in the following words, vizt :

Dissentient.

Firstly, Because the representatives of Craven county, from whom we are to understand the sense of the people at large of that county, have not agreed to the passing this Bill.

And secondly, Because it appears to this House that even a majority of the Inhabitants within the limits prescribed, and by this Bill added to Pitt county, wish to continue and remain Inhabitants of Craven county. Signed by James Gallaway, Frederick Harget, Richard Clinton, Joseph Riddick, Anthony Bledsoe, Jacob Jordan, Dempsey Moore, Isaac Gregory, John Eaton, Nathan Mayo, John A. Campbell, Griffith Rutherford, Zedk. Stone, Wm. Wynns and Stephen Miller.

Received likewise the bill to alter the time of holding the annual Assemblies of this State. Endorsed in the House of Commons, "read the second time and passed."

Ordered that this bill be read, which being read the second time, was rejected.

Received also the bill appointing commissioners to fix on a convenient place for holding the Courts of Pleas and Quarter sessions in the county of Washington. Endorsed in the House of Commons "read the second time, amended and passed."

Ordered that this bill be read, which, being read, was amended, passed the third time, and returned.

Received from the House of Commons the petition of Robert Bignall. Endorsed, "read and referred to the Committee on Petitions and Memorials," which, being read, was referred in like manner and returned.

Received likewise a Resolution of the House of Commons requesting the Speakers of the two Houses to ratify bills of a private nature to the intent and purpose therein mentioned, which was read, concurred with and returned.

Resolved that Messrs. Gallaway, Gillispie, Macon and Hill be a Committee to pass and bring in a bill in aid of the Revenue act.

On motion of Mr. Gillispie, the House resolved as followeth, vizt :

Resolved, that in conséquence of a recommendation of the County Court of Duplin, William Moore, a wounded soldier, be allowed the sum of eight pounds currency as a gratuity for the year 1785, that the Treasurer pay him the same and be allowed therefor in the settlement of his public accounts.

Sent for concurrence.

On motion of Mr. Gillispie, the House resolved as followeth, vizt :

Resolved, that the Committee of Claims be, and they are hereby directed to allow all claims presented them for liquidation for services performed in the late State legion, provided they shall think them just and properly authenticated.

Sent for concurrence.

On motion of Mr. Macon, seconded by General Rutherford, Resolved that the Committee appointed to prepare amendments to be made in the bill for altering the Court System, be directed to report in the morning, and that this House will then take up the consideration of the said bill.

Received from the House of Commons the following message, vizt :

Mr. Speaker and Gentlemen :

We propose that the General Assembly proceed to ballot at 4 o'clock on Saturday next, for the three Councillors yet to be appointed, a collector and naval Officer for Port Swannsborough—Vendue Masters for Washington and New Bern—Field Officers for the several Troops of Horse and Battalions of Infantry, a Commissioner

of confiscation for Halifax District in the room of Col. Long, resigned, an Entry Officer for the Western Lands, Officers to command the Troops intended to be raised for the defence of the Western Country. Should you accede to this proposition you will signify the same by message.

This message being read, the House adjourned 'til to-morrow morning 9 o'clock.

Tuesday December 29th, 1786.

The House met.

Received from the House of Commons the bill to empower the several County Courts therein mentioned to lay a tax annually for the purpose of erecting and repairing the Court House, Prison and Stocks in each county when necessary, and for defraying the contingent charges of the county. Endorsed, "read the second time, and passed."

Ordered that this bill be read, which, being read, was passed the second time and returned.

Mr. Harget presented the petition of Mary Moore, which was read, referred to the Committee of Petitions and Memorials, and sent to the House of Commons.

Mr. Tipton from the Committee, delivered in the following Report, vizt :

The Committee of Petitions and Memorials to whom was referred the petition of John Kendrick setting forth that he was wounded in an engagement at the Brown Marsh in the year 1781, and praying relief, report: That they find by sundry vouchers annexed to the said petition, that the said John Kendrick was a deserving officer under General Butler in the Militia Service of this State. That he by his wounds is incapable of obtaining a living for himself and family, and that he hath not even received an Auditor's certificate for his services. Your Committee therefore recommend him as an object worthy the attention of the Assembly, and entitled to receive such reward as they may deem adequate to the support of himself and Family.

JOHN TIPTON, Ch.

The House taking this report into consideration, resolve that they do concur therewith, whereupon,

Resolved, That John Kendrick wounded in the Militia service of



this State, and thereby rendered unable to procure a living, be allowed the sum of twenty pounds current money, that the Treasurer pay him the same, for which this shall be his warrant,

Sent for concurrence.

The House, resuming the message of the House of Commons of yesterday relative to Balloting, ordered that the following be sent to the House of Commons, vizt.:

Mr. Speaker and Gentlemen :

The Senate, pursuant to your proposition, have agreed that the General Assembly ballot at 4 of the clock on Saturday next for the three Councillors of State yet to be chosen, and nominate Dr. William McClure, Thomas Brown, Joseph McDowell, Spyers Singleton, Robert Bignall, Miles King, & Thomas Routledge, Esquires.

For a Collector and Naval Officer for Port Swannsborough, and nominate Mr. John McCullough for Collector, and Mr. Samuel Hall for Naval Officer of the said Port.

For Vendue Masters for the towns of Washington and New Bern, and nominate Mr. Peter Casseau for the town of Washington, and Mr. Hazell Smith for the town of New Bern.

We propose that the General Assembly do at the same time and on the same day ballot for a Treasurer for this State, and put in nomination General Griffith Rutherford, James Gillispie, Memucan Hunt and John Haywood.

It is not the sense of the Senate that any of the other appointments enumerated in your message should take place at this intended Balloting.

Mr. Tipton, from the Committee, delivered in the following reports, vizt.:

The Committee of Petitions and Memorials, to whom was referred the Memorial of Angelica Wilton, setting forth that her husband was inhumanly murdered by a certain John High, who hath made his escape and forfeited his recognizance, and praying that the forfeitures of the said High and his securities be given her for the maintenance of herself and child, report—

That they find that the husband of the said Memorialist was wilfully murdered for no crime by the said High, who hath made his escape, leaving his two securities to pay the sum of two hundred and fifty pounds each ; your Committee therefore recommend that

the said Fines incurred by the securities be granted to the Memorialist aforesaid.

All which is submitted.

JOHN TIPTON, Ch.

The Committee of Petitions and Memorials, to whom was referred the Memorial of Jephtha Ferrell, praying a Release from the Forfeiture of a recognizance entered into for the appearance of a certain John High, report—

That they are of opinion that the prayer of the said Memorial ought to be rejected.

JOHN TIPTON, Ch.

The Committee of Petitions and Memorials, to whom was referred the Petition of Mrs. Clara Salter, praying to be allowed for sundry Ferriages for persons going to Musters, Courts and Vestrys, report—

That they are of opinion that the said Petition be rejected.

JOHN TIPTON, Ch.

The Committee on Petitions and Memorials, to whom was referred the Petition of John Beard, report—

That they find by the Deposition annexed that the said Petitioner had his House burned by accident, in which was consumed an auditor's certificate for thirty-eight pounds eight shillings specie. Your committee therefore recommend that the Comptroller issue a certificate for the above sum in favor of the said John Beard, dated in June, 1783, as it appears to your Committee that the one burned was of that date.

JOHN TIPTON, Ch.

The Committee of Petitions and Memorials, to whom was referred the Petition of John McNeil, praying that certain lands be restored to him, which were sold by the commissioner of confiscation for Wilmington District, report—

That they are of opinion that the same be rejected.

JOHN TIPTON, Ch.

The Committee of Petitions and Memorials to whom was referred the petition of James Ransome and Young Maclemore praying an allowance for certain Certificates in their possession, report,

That they are of opinion that the same be rejected.

JOHN TIPTON, Ch.

The Committee of Petitions and Memorials to whom was referred the Memorial of Robert Bogle, praying an allowance for driving cattle to the different quarters of the Army and where the Commissioners directed, report,

That they are of opinion that the same be rejected because the payment for such services was commonly to excuse the person performing the same from a tour of duty in the Militia, and your Committee hath no proof that the Memorialist hath not received that benefit.

JOHN TIPTON, Ch.

The Committee of Memorials and Petitions to whom was referred the petition of William Moore and others, setting forth that they killed two of the Murderers of Nathaniel Richardson, Esquire, for which the Governor's Proclamation held out a reward of fifty pounds each, report,

That they are of opinion that the said Moore for himself and those who assisted him be allowed the reward allowed by the said Proclamation, which by the scale of Depreciation is sixty-six pounds thirteen shillings and four pence for the two murderers killed by them, and that the Treasurer pay the same and be allowed in the settlement of his account.

JOHN TIPTON, Ch.

The House taking these several reports into consideration resolved, that they do concur therewith, and ordered that they be sent to the House of Commons.

Mr. Tipton also delivered in a report on the Petition of Thomas Frohock, Esquire, which was read, rejected and filed.

Received from the House of Commons the Bill to confirm unto Richard Dobbs Spaight an indefeasible title to certain lands therein mentioned in Bladen County. Endorsed, "read the second time and passed."

Ordered, that this bill be read, which being read was passed the third time and returned.

Received from the House of Commons a Resolution of that body of this day, directing the manner in which the Treasurer shall discharge and pay off the allowances made for the daily attendance of members of the General Assembly at the present session, which being read was objected to, it was ordered that the following message be sent to the House of Commons.

Mr. Speaker and Gentlemen :

The Senate approve of part of the Resolution of your body of this date, relative to the mode of paying the members of the present Assembly and will concur with it, provided you will agree to amend the latter part thereof by deleting from the word "certificates," in the 7th line from the bottom, and inserting in the place of the lines so to be deleted, the words "*he taking a receipt for the money so advanced, and endorsing on the back of each certificate the amount of the sum or part paid.*"

Received from the House of Commons the Bill to amend an Act entitled "an Act for the more regular collecting, payment of, and accounting for the public taxes, "and for laying certain duties therein mentioned." Endorsed "read the second time, amended and passed."

Ordered that this bill be read, which being read was amended, passed the second time and returned.

Mr. Brown presented the petition of Mary White, which was read, referred to the Committee of Petitions and Memorials and sent to the House of Commons.

Received from the House of Commons the memorial of Hodge and Blanchard, printers to the State. Endorsed "read and referred to Mr. Sitgreaves, Mr. McDowall, Mr. Spaight and Mr. Neale," which, being read, was referred to Mr. Herndon, Mr. Hill and Mr. Herritage and returned.

Received likewise a Bill enabling and empowering the Administrators of Robert Schaw, late of Brunswick county, Esquire, deceased, to sell certain lands in Bladen County commonly called the Western prong, late the estate of the said Robert Schaw, to save the personal estate for his widow and son. Endorsed in the House of Commons "read the first time and passed."

Ordered that this Bill be read, which being read was rejected.

Received also the report of the Committee to whom was referred the petition of the Honbl. John B. Ashe, Esquire, and James Gray,

Esq., in behalf of the heirs of Brigadier General Jethro Sumner, deceased. Endorsed in the House of Commons "read and concurred with," which being read was concurred with and returned.

Received from the House of Commons a Bill for levying a tax for the support of Government and for the redemption of the old paper currency, continental Money and Specie and other certificates. Endorsed "read the second time, amended and passed."

Ordered that this bill be read, which being read, was passed the second time and returned.

Received likewise the petition of James Collins; the petition of Hugh Ross; the petition in favour of George Peay; the petition of Mary Moore; the petition of Lodowick Wray; and the petition of Wm. Ashley, respectively endorsed in the House of Commons "read and referred as by the Senate."

Received also the report of the Committee to whom was referred the Petition of George Mitchell, Esq., and the report of the Committee on the Claim of Samuel Cross. Each endorsed in the House of Commons "read and concurred with."

Received from the House of Commons the bill to repeal an Act entitled "an Act to allow further time for saving lots in the several Towns within this State" so far as the same relates to the town of Kinston. Endorsed "read the first time and passed."

Ordered that this bill be read, which being read was passed the second time and returned.

Received likewise the additional bill to an Act entitled "an Act to prevent the Several Species of Hunting therein mentioned. Endorsed in the House of Commons "read the third time and passed."

Ordered that this bill be read, which being read was passed the third time and ordered to be engrossed.

Mr. Brown presented the petition and Memorial of John Rutherford on behalf of himself and his Brother and Sister, William Gordon Rutherford and Francis Menzies' widow, which was read, referred to Genl. Rutherford, Mr. Gillespie, and Mr. Stokes as a Special Committee on the part of this House and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker and Gentlemen :

We agree to ballot as by you proposed and add to the nomination for vendue Master at New Bern, Mr. Titus Ogden ; for Councillors,

John Nelson and Wyatt Hawkins, Esquires. For Treasurer, Robert Rowan, Esquire.

On motion of Mr. Lewis it was ordered that the following Message be sent to the House of Commons, Vizt:

Mr. Speaker and Gentlemen :

We further add to the nomination for a Treasurer Colonel Stephen Moore of Caswell County.

Received from the House of Commons a Bill empowering Hiram Jeremiah Richards of New Hanover County to take, hold and enjoy all the real and personal estate, late of Numan Harrison Chevers, of the same County, deceased, and to vest the same in the said Hiram Jeremiah Richards, his heirs, executors, administrators and assigns respectively. Endorsed "read the first time and passed."

Ordered that this Bill be read, which being read the first time was on motion laid over til the next Assembly.

Received likewise the following Message:

Mr. Speaker and Gentlemen :

We herewith send for your concurrence a resolve of this House which we propose in lieu of the one entered into by your House in favor of Mr. Brantley.

Received at the same time the Resolution of the House of Commons above referred to which being read, was concurred with and returned.

Received also the report of the Committee to whom was referred the letter and papers of Mr. James Davis. Endorsed in the House of Commons, "read and concurred with," which being read was rejected.

On motion of Mr. Macon, seconded by Mr. Herritage it was ordered that the following Message be sent to the House of Commons.

Mr. Speaker and Gentlemen :

We propose that a Brigadier General for the District of Washington be ballotted for to-morrow at the time already set apart for balloting, and put in nomination for that appointment Joseph Martin, Evan Shelby and Anthony Bledsoe, Esquires.

Adjourned till tomorrow morning 10 o'clock.

Saturday Dec. 30th, 1786.

The House met.

Received from the House of Commons the resignation of Daniel

McKissick as one of the Justices of the Peace, for Lincoln county. Endorsed, "read and accepted" which being read was accepted and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We further add to the nominations for Councillors James Sampson, Esq.

Mr. Gallaway moved for leave and presented a Bill directing the Commissioners of confiscated property to receive certificates agreeable to a resolution of the last Genl. Assembly which was read, passed the first time, and sent to the House of Commons.

Received from the House of Commons a resolution of that Body of yesterday in favour of Jeremiah and Robert Field, sons of William Field, which was read, concurred with and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We further add to the nomination for Councillors, Bryan Whitfield, Esquire.

Received also the report of the Committee of Claims on the claim of Nicholas Long, Esquire, as Commissioner of confiscated property for the District of Halifax. Endorsed in the House of Commons "read and concurred with" which being read was concurred with and returned.

On motion of Mr. Gillispie, seconded by Mr. Harget, Resolved, that Mr. Harget, Mr. McCawley and Mr. Gillispie be a Committee on the part of this House to consider of and report the names of such officers of the late North Carolina line who have attended on this Assembly pursuant to a proclamation issued by His Excellency the Governor, and who in consequence of such attendance are entitled to a reimbursement of their expenditures from the public.

Sent for concurrence.

Received from the House of Commons the report of the Committee on the Petition of the Inhabitants of Fayetteville. Endorsed, "read and concurred with," which being read was concurred with and returned.

Received at the same time a resolution of the House of Commons of yesterday relative to the subject matter of the said report, which was read, concurred with and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

Agreeable to the request of the Honorable the Judges this day handed to us and herewith transmitted to you, we propose that the two Houses meet in Conference for their reception at ten of the clock on Monday morning next.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

Pursuant to your proposition of this day, we agree that the two Houses assemble in Conference on Monday next for the purpose by you expressed and at the time by you appointed.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

By the request of Mr. Rowan and Colonel Moore, we propose that their names be withdrawn from the nomination for treasurer.

Adjourned till 4 o'clock p. m.

Met according to adjournment.

Ordered that the following message be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

We have appointed Mr. Lewis and Mr. Harget to superintend the balloting this evening to be had, and are now ready to proceed on that business.

Mr. Polk and Mr. Neale appointed on the part of the House of Commons, together with the gentlemen appointed by this House, now proceeded to take the ballots or tickets for the members of the two Houses, which being done and the ballot closed, Mr. Harget and Mr. Lewis returned and reported that on chosing the balloting it appeared that John Haywood was appointed treasurer of the State.

That John McCulloch was appointed Collector, and Samuel Hall Naval Officer for Port Swannsborough.

That Peter Casseau was appointed Vendue Master for the town of Washington.

That none of the other appointments ballotted for were made,



there being no majority, the House taking this report into consideration resolved that they do concur therewith.

Received from the House of Commons the report of the Joint Committee on Captain Fenner's representations endorsed in the House concurred with, which being read, was objected to, whereupon it was ordered that the following message be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

The Senate have considered of the report of the Committee to whom was referred Captain Fenner's Second Representation, and to whom was committed the consideration of the purport of his suit, and have determined, that this report so far as it relates to the making Captain Fenner an allowance for his services as agent to the late North Carolina line shall be deled. That Captain Fenner be allowed the sum of two hundred pounds for his services aforesaid in advance; that he be allowed one hundred pounds in full of his expences in this business to the present date, and that he make up and deliver to the next Assembly a complete statement of his accounts as agent, and that his services in this business be then considered and an adequate compensation made him; and that he deliver up the certificates now on hand to the public Treasurer taking his receipt for the same. Should the House of Commons concur with the Senate in opinion as to these propositions they will, on being informed thereof, cause that a resolution be drawn up for the purpose.

Received from the House of Commons the following reports of the Committee on Memorials and Petitions, vizt :

The report on the Memorial of Jephtha Ferrell; the report on the Memorial of William Moore; the report on the Petition of John Beard and the report on the Memorial of Robert Bogle, severally endorsed in that House "read and concurred with."

Received likewise the Bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Mecklenburgh. Endorsed "read the third time, amended and passed."

Ordered, that this Bill be read, which being read, was passed the third time and ordered to be engrossed.

Received also the report of the Committee of Petitions and Memorials on the petition of John McNeil, and the report of the said

Committee on the petition of Mrs. Clara Salter. Each endorsed "read and concurred with."

Received from the House of Commons the following reports of the Committee of Claims, to wit :

The Report on the Petition of Henry Purss; the Report on the Petition of Burwell Strecklen; and the Report on the Governor's Message in favour of Captain Lustre, respectively endorsed "read and concurred with."

Received likewise the report of the Committee of Claims on the Petition of Hoggs' Executors, accompanied by a resolution of the House of Commons of yesterday directing the Comptroller to issue a Certificate in favour of those claiming under Mr. Hogg as therein mentioned, which was read, concurred with and returned.

Received also the report of the Committee of Claims on the Claim of Mr. James Blount; together with a resolution of the House of Commons allowing said Blount the sum of forty pounds for a negro executed by public authority, which was read, concurred with and returned.

Received from the House of Commons the Report of the Committee of Propositions and Grievances on the representation and petition of Mr. James Holland. Endorsed in the House of Commons, "read and concurred with," which being read was concurred with and returned.

Received likewise the report of the Committee to whom was referred the representation of Josiah Parker, Esqr. Endorsed in the House of Commons, "read, amended and concurred with," which being read was concurred with as amended and returned.

Received also the petition of John Smith and Robert Boak. Endorsed in the House of Commons, "read and referred to the Committee of Propositions and Grievances," which being read was referred in like manner and returned.

Received from the House of Commons the Bill for appointing the place of holding courts in the county of Sullivan. Endorsed, "read the second time and passed."

Ordered, that this Bill be read, which being read, was passed the third time and returned.

Received also the Bill appointing Commissioners to fix on a place for holding the Courts of Pleas and Quarter Sessions in the county of Washington. Endorsed, "read the third time, and passed."

Ordered, that this Bill be read, which being read, was passed the third time, and ordered to be engrossed.

Received from the House of Commons the petition of Mary White and the petition of Mary Moore. Each endorsed, "read and referred as by the Senate."

Received likewise a resolution of the House of Commons directing the Secretary of the State to issue land warrants to such officers and soldiers of the continental line as are yet entitled to the same, under the regulations and restrictions therein mentioned, which was read, concurred with, and returned.

Received also the resolution of this House relative to certain suspended Justices of New Hanover county. Endorsed in the House of Commons, "read and concurred with."

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen :

We do not concur with the report of the Committee on the petition of James Ransome and Young McLemore, but propose that it be recommitted.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We consent that the report of the Committee on the petition of James Ransome and Young McLemore be recommitted.

The gentlemen appointed on the part of this House to prepare such amendments as they supposed necessary to be made the Bill to amend and alter the court system reported the same. Whereupon the said Bill was read, amended, passed the second time and returned to the House of Commons.

On reading this Bill a motion was made by General Rutherford, seconded by General McDowall, that the following claim be inserted therein as an amendment, viz :

"And be it further enacted by the authority aforesaid, that every attorney when employed in any suit in any of the courts in this State shall file his declaration in the Clerk's office the first day of the term to which the writ is made returnable and on failure thereof such suit shall be dismissed by the court at the cost of the plaintiff, which cost being paid by said plaintiffs to the clerk of the said court, he or they paying such cost in consequence of a

“declaration not being filed in due time as aforesaid, may warrant  
“such attorney for all such costs by him paid as aforesaid, and the  
“receipt of the clerk shall and may be given in evidence in support  
“of such claim, and the Justice before whom such warrants shall be  
“tried may give judgement and issue execution thereon and such  
“attorney shall be further liable to the action of such plaintiffs for  
“such damage as he or they may have sustained in consequence of  
“such declaration not being filed as aforesaid; this being objected  
“to the question was put and carried in the negative, to wit: that  
“the proposed amendment should not be received; whereupon  
the yeas and nays being called for by Genl. Rutherford, seconded  
by General McDowall were as follows, to wit: For the proposed  
amendment, Messrs. Thomas Armstrong, Ramsey, Medlock, Tip-  
ton, Moore, Bonner, Gregory, Whiteside, Clinton, Rutherford, Mc-  
Dowall, Harris, Galloway, Bledsoe, Hines, and Miller, 16. Against  
the amendment, Messrs. Jordan, Battle, John Armstrong, McCaw-  
ley, Eaton, Brown, Herritage, Mayo, Harget, Stokes, Gowdy,  
Stone, Mooring, Hill, Riddick, Mitchell and Wynne, 17. So the pro-  
posed amendment was rejected.

Adjourned til to-morrow morning 9 o'clock.

Sunday December 31st, 1786.

The House met.

Received from the House of Commons a resolution of that Body  
for commissioning as a Justice of the Peace for the county of Tyr-  
rell Mr. Simeon Spruill, which was read, concurred with, and re-  
turned.

Received likewise a resolution of the House of Commons of the  
29th inst., for inserting the name of *Major Reading Blount* in the  
resolution of the 26th inst., respecting the officers of the late North  
Carolina line attending at this place, immediately after the name of  
Colonel John Armstrong in the said resolution, which being read,  
was concurred with and returned, and the name of Major Reading  
Blount inserted accordingly.

Received also the following message, vizt :

Mr. Speaker and Gentlemen :

We propose that the estimates of allowances for the present ses-  
sion be made up so as to include Wednesday agreeable to the rate  
inserted in the Bill for allowing salaries, &c., to the officers of the  
public.

The foregoing being read, it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

The Senate have not agreed with you as to the time of making up the estimates, but propose that they be made up to Saturday next inclusive, which is, in their opinion, as short day as can with propriety be fixed on, the multiplicity of business now before the two Houses considered; we agree with you as to the mode of making up these estimates.

Ordered, that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We have again taken up and considered the report of the Committee on the petition of Zephaniah Waller, and have determined that the said report shall not be considered as being rejected, but as having been laid over till the next Assembly, by which time it is suggested Mr. Waller will be able to procure other and more sufficient testimony in support of his claim therein set forth.

General Rutherford from the Committee delivered in the following report, viz :

The Committee to whom was referred the petition of John Rutherford and others, report,

That they have examined into the Merits of the said petition, and find from the affidavit thereto annexed, and from the information of other members of the Committee, that the allegations therein contained are fully and satisfactorily proved, and that as minors and absentees, the rights of the petitioners are saved, and that the property withheld from them by the Sheriff of New Hanover county should be returned.

Resolved therefore, that it be recommended to the General Assembly to order the Sheriff of New Hanover county to restore to the petitioner the negro slaves belonging to the petitioners hired out by order of the court of said county together with such monies and securities as he may have received for the said hire, and that this measure may be carried into execution without delay as the slaves will have completed their present year's service this month, and un-

less otherwise ordered, the Sheriff will deem himself obliged to hire them during the sitting of New Hanover court this present week.

All which is submitted.

GRIFFITH RUTHERFORD, Ch'rn.

The House taking this report into consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the report of the Committee to whom was referred the petition of the Inhabitants of Randolph county, and the report of the Committee to whom was referred the petition of William Graves and Elijah Hunter. Each endorsed, "read and concurred with," which being read were concurred with and returned.

Received likewise the report of the Committee of Propositions and Grievances on the Memorial of Angelica Wilton. Endorsed in the House of Commons, "read and concurred with."

Received also the Bill to erect a District Court of Law and Equity at Fayetteville. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered, that this Bill be read, which being read, was on motion laid over until the first day of January next.

Received from the House of Commons the following message, viz :

Mr. Speaker and Gentlemen :

We agree to the resolve of your House for appointing a Committee to report to the Houses the names of such officers who have attended on this Assembly, and we have on our part appointed Mr. Hawkins and Mr. Lewis.

On motion of Mr. McCawley, it was ordered that the following message be sent to the House of Commons.

Mr. Speaker and gentlemen :

We have rejected the recommendation of Justices for the county of Orange, on account of its not being signed by the representative of that county as is usual.

Received from the House of Commons a resolution of that Body of the 29th instant, in favour of James Fletcher, the report of a Committee in that behalf, which being read, was objected to, where-

upon on motion of Mr. Herndon, it was ordered that the following message be sent to the House of Commons, viz :

Mr. Speaker & Gentlemen :

It being represented to this House that there is an error in the report of the Committee (in respect to calculation on the petition of James Fletcher) they have determined at the request of Col. Herndon, that he have leave to withdraw the whole of the papers on that subject in order to their being laid before the next Assembly.

Received from the House of Commons a Bill to repeal an Act entitled "an Act to secure and quiet in their possessions all such persons their heirs and assigns, who have purchased or may hereafter purchase lands and tenements, goods and chattels which have been sold or may hereafter be sold by the Commissioners of forfeited estates legally appointed for that purpose. Endorsed in the House of Commons, "read the first time, and passed."

Ordered, that this Bill be read, which being read, was passed the first time and returned.

Received likewise the Bill to establish a town on the East side of the Northeast of Cape Fear river, in Duplin county, Endorsed in the House of Commons, "read the third time, and passed."

Ordered, that this Bill be read, which being read, was passed the third time and ordered to be engrossed.

Received also the Bill to enable the executors of Robert Hogg to maintain and defend suits, under the regulations therein mentioned. Endorsed in the House of Commons, "read the second time, and passed.

Ordered, that this Bill be read, which being read, was passed the second time and returned.

Mr. Armstrong presented the petition of Hugh McLean, which was read, referred to the Committee on Petitions and Memorials, and sent to the House of Commons.

General McDowell presented the memorial of Colonel Martin Armstrong of of Surry county, on behalf of Samuel Cummings, Esq., which was read referred to the Committee of Petitions and Memorials and sent to the House of Commons.

Received from the House of Commons a Bill for enabling executors and administrators to make a speedy settlement of their accounts. Endorsed, "read the second time, amended and passed."

Ordered, that this Bill be read, which being read, was rejected.

Received likewise the report of this day on the petition of John Rutherford, together with a resolution of the House of Commons consequent thereon, which resolution was read, concurred with, and returned.

Received also the following message :

Mr. Speaker and Gentlemen :

We propose balloting at 4 o'clock to-morrow evening for purchasers of tobacco for the town of Halifax, Tarborough and Fayetteville; for the three Councillors yet to be elected; for a Vendue Master for the town of New Bern, and an entry taker of Western lands. We nominate for Commissioners for purchasing tobacco, Thomas Hogg for the town of Halifax; James Porterfield and John Ingram for Fayetteville, and Ethelred Philips for the town of Tarborough. For Councillors we nominate the four gentlemen who had the greatest number of votes on the last balloting, to wit: Joseph McDowell, Thomas Brown, John Nelson and Spyers Singleton, Esquires. John Armstrong and William McCawley, Esqrs., for Entry Taker of Western lands; Titus Ogden and Bazil Smith, for a Vendue Master for New Bern, We further add to the nomination for Councillors, Robert Bignall, Esq. We have appointed Col. Polk and Mr. Neale to superintend the balloting.

The foregoing being read, it was ordered that the following message be sent to the House of Commons, viz :

Mr. Speaker and Gentlemen :

We agree to the measures by you proposed with respect to the report on the representation of Captain Fenner as amended by the House.

Whereupon, it was resolved, that Captain Fenner, agent to the late North Carolina line, be allowed the sum of two hundred pounds currency in advance for and on account of his services as such; that he be allowed the sum of one hundred pounds in full of his expenditures in this business to the present date; and that he make up and deliver to the next General Assembly a complete statement of his accounts as agent, when his services in this business shall be considered and adequately rewarded.

Resolved, further, that Captain Fenner in the mean time deliver up to the public treasurer all certificates now in his hands as agent aforesaid, together with the Cheques, taking the treasurer's receipt for the same. Sent for concurrence.



Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We agree that the estimate of allowance be made up to include Saturday next as by you proposed; and also agree that the report of the Committee on the petition of Zephaniah Waller be laid over until the next Assembly.

General Rutherford from the Committee, delivered in the following report, vizt :

The Committee appointed to consider the nature of the claim of the late Honorable William Byrd, of Virginia, to certain lands within the limits of this State report,

That it appears to your Committee by the papers and documents before them that the late Honorable William Byrd was entitled, for his military services, to five thousand acres of land under the proclamation of his Britannic Majesty in Council of 1763. That in consequence one thousand acres thereof were located, as appears by a certificate of the late Col. William Preston, surveyor of Fincastle county in Virginia at the Salt Lick, on Cumberland river, now called Nashville.

Your Committee considering the nature and extent of the said Proclamation, and it being fully ascertained to them by the extension of the Boundary Line between this and the State of Virginia, that the aforesaid entry was made on lands within the proprietary part of the Carolinas; and consequently not within the gift of the Crown, are of opinion, that the claim of the late Honorable William Byrd to the said lands is inadmissible. All which is submitted.

GRIFFITH RUTHERFORD, Ch.

The House taking this report into consideration resolved that they do concur therewith and ordered that it be sent to the House of Commons.

Received from the House of Commons the Resolution of this House of to-day relative to Captain Robert Fenner, agent to the late North Carolina Line, endorsed "read and concurred with."

On motion of Mr. Stone the House resolved as followeth, vizt:

Whereas, the Board of Auditors for the District of Edenton which were revived by an act of the last session of Assembly, entitled "an Act empowering Commissioners to liquidate the accounts of the officers and soldiers of the Continental line of this State, and to re-

vive the late Board of District Auditors for a limited time," failed to sit agreeable to the said Act owing to the indisposition of one of the Board; by which failure, a number of the inhabitants of said district have been deprived of the opportunity of presenting their claims against the public, therefore Resolved, That Edward Everagin, William Righton and Lott Brewster be, and they are hereby appointed a Board of Auditors for the aforesaid district, who shall have, possess and enjoy the same powers, privileges and emoluments that were incident or appertaining to that office by the aforesaid Act of Assembly; and the aforesaid Board shall meet at Edenton the first Monday in May next, and shall continue to sit ten days for the purpose of receiving and auditing all just claims which may be presented them by the inhabitants of the said district, and not heretofore allowed; and the aforesaid Auditors shall give public notice of the purport of this Resolution three months previous to their meeting; and all claims which shall not be presented for liquidation at the aforesaid Board shall be forever barred and precluded from allowance agreeable to the true intent and meaning of the said Act. Sent for concurrence.

Received from the House of Commons a Resolution of that body of yesterday directing the Commissioners of confiscated property for the District of New Bern to sell certain property therein mentioned, and directing the Treasurer to bring suit against Benj. Shepperd and others therein mentioned, which was read concurred with and returned.

Received likewise the following Bills, vizt:

The bill to keep open Cape Fear, Uharie, Rocky River of Pee Dee, the Catawba, Deep River, Haw River and Rocky River for the passage of fish up the same. And

The bill to appoint Commissioners to carry on and finish the public buildings in the county of Anson. Each endorsed in the House of Commons "read the second time and passed."

Ordered that these bills be read, which being read were respectively passed, the former the second and the latter the third time and returned.

Received also the Bill for the better regulation of the town of Hillsborough. Endorsed in the House of Commons "read the third time and passed."

Ordered that this Bill be read, which being read was passed the third time and ordered to be engrossed.

Received from the House of Commons, the Bill to repeal an Act entitled "an Act to allow further time for saving lots in the several towns within this State," so far as the same relates to the town of Kinston. Endorsed "read the second time and passed."

Ordered that this bill be read, which being read was passed the third time and returned.

Received likewise the Bill to authorize the late Commissioners of Specific Supplies for the counties therein mentioned to collect the arrearages of Specific Taxes yet due from the Inhabitants thereof. Endorsed in the House of Commons "read the second time and passed."

Ordered that the Bill be read, which being read was passed the third time and returned.

Received also the following Message :

Mr. Speaker and Gentlemen :

We propose that the report of the Committee on the Accounts of the Officers of Confiscation, &c., be amended by striking out the clause relative to Colo. Sitgreaves included within lines, this Amendment being read, we will concur with the same.

This Message being read, the proposition therein contained was unanimously concurred with. The report amended accordingly and sent to the Commons for concurrence with the following Message, vizt:

Mr. Speaker and Gentlemen :

We have received the Message of your House of yesterday proposing an amendment in the Report of the Committee on the accounts of the Officers of Confiscation as to that part thereof which respect the Acct. of Col. Sitgreaves, to which proposition we have unanimously agreed ; made the Amendment accordingly and now again send that report for your concurrence.

Adjourned til to-morrow morning 9 o'clock.

Monday, January 1st, 1787.

The House met.

On motion of Mr. Harget the House resolved as followeth vizt:

Resolved, that Winston Caswell, in favor of whom a warrant has been issued by his Excellency, the Governor, on the Treasury of this State for the purpose of paying off and making a compensation to sundry persons compelled to this place as witnesses, by virtue of

a resolution of this Assembly, be and he is hereby required to settle and account for the monies so by him drawn as aforesaid with the public Comptroller. Sent for concurrence.

Mr. Tipton delivered in the following report to-wit:

The Committee of Petitions and Memorials to whom was referred the Memorial of Thomas Frohock, setting forth that he had obtained a judgment against Henry Eustice McCulloch for the sum of two thousand three hundred pounds, and had it satisfied by the Commissioner of Confiscated Property, of Salisbury District, who let him have a piece of land lying on the Yadkin, and praying to be released from the bargain, which was oppressive, and that the Assembly will direct to the land to be sold by the Commissioner, and leave to him to seek his remedy elsewhere, report,

That they are of opinion that Mr. Frohock be released from the said contract or purchase, and the Commissioner be directed to sell the said Land again for the use of the State, providing that Mr. Frohock shall not levy his judgment on any property already confiscated as having belonged to the said Henry Eustace McCulloch or on any of the lands of the said McCulloch in this State; your Committee further report that Mr. Frohock professes himself satisfied with this report and is willing to be debarred from levying his said Judgment on any of the property aforesaid, and from calling on the State for the amount of the same. Your Committee are of opinion that Mr. Frohock's case is a very hard one in all its circumstances and think in equity and good conscience he ought to be released in the premises above set forth. All of which is submitted.

JOHN TIPTON, Ch.

The House taking this report into consideration resolved that they do concur therewith and ordered that it be sent to the House of Commons together with the following resolution, to-wit:

Resolved that Thomas Frohock, Esqr., pay into the hands of the Commissioner of Confiscated Property, for the District of Salisbury, the sum of twenty-five pounds current money, being in full of that sum due by the said Frohock to this State for and on account of the rent of a farm belonging to the public; and which hath been by a report of a committee concurred with by both Houses, directed to be sold by the Commissioner aforesaid.

Sent for concurrence.

On motion of Mr. McLean, Resolved that the following Message be sent to the House of Commons, vizt:

Mr. Speaker and Gentlemen :

We have appointed Mr. Macon, Mr. Harris and Mr. Wynns a Committee who will act jointly with such of your body as may be appointed to receive from the Several Committees, such Continental and old dollar bill money, as may be in their hands belonging to the public, and who will cause the Continental money to be delivered to the Comptroller and the other to be burned and destroyed, and make report of their proceedings herein.

Received from the House of Commons the following Message :

Mr. Speaker and Gentlemen :

We propose that the two Houses immediately assemble, agreeable to the proposition of this House of Saturday last, to receive and hear the judges on the subject of the charges to be established against them, and that two of the members from each House attend on their Honors and acquaint them therewith.

The foregoing being read it was ordered that the following Message be sent to the House of Commons.

Mr. Speaker and Gentlemen :

We agree that the two Houses meet in Conference agreeable to your proposition, and have appointed Mr. Macon and Mr. Galloway to wait on the honorable the Judges with the information.

The Senate now proceeded to the room in which the House of Commons sit. When the two Houses being convened the honorable Samuel Spencer and John Williams, Esquires, two of the Judges of the Superior Courts of Law and Equity in this State were introduced and seated.

Whereupon, Mr. MacLaine from the Committee to whom was referred the examination into the present mode of the Administration of Justice in the Superior Courts of Law and Equity, delivered in a Report, (which see in the Proceedings of this House of Wednesday next) which being read, on motion the two Houses formed themselves into a Committee of the whole to take under consideration the charges contained in the report aforesaid against the honorable the Judges, and made choice of Richard Dobbs Spaight, Esquire, for Chairman, who having taken the chair accordingly, the charges

-contained in the report above mentioned were debated by the Committee; the honorable the Judges having been previously heard in their defence; some time being spent herein the Speakers on motion resumed their chairs and Messrs. Chairman reported, that the Committee had come to several resolutions, but not having time to reduce them to form, desired until to-morrow to report; whereupon it was ordered that he have time until the Morrow accordingly.

The Senate now retired to their room when Mr. Speaker having taken the chair, the House on motion,

Adjourned til to-morrow morning 9 o'clock.

Tuesday January 2nd, 1786.

The House met.

Mr. Galloway, from the Committee, delivered in the following report, vizt :

The Committee to whom was referred His Excellency's, the Governor's Message inclosing the Petition of John Truebody, one of the citizens of the State of Rhode Island in behalf of himself and his brother and sisters, respecting a tract of land to them belonging and which has been sold to Christopher Neale and John Jones, Esquires, by the Commissioners of Confiscated Property for the District of New Bern, report,

That it appears to your Committee that no money has been paid by, or titles made to, the said purchasers; and-as they have signified their willingness to have the said lands restored to the proper owners thereof, on being by them re-imbursed for the improvements they have made thereon since their purchase, and the bonds which they gave cancelled.

Your Committee beg leave to recommend that the said lands be restored to the said John Truebody his Brother and Sisters, and that the bonds of the said Christopher Neale and John Jones, for the purchase of said lands be returned to them to be cancelled, provided the said claimants pay and satisfy the Abner Neale and John Jones, Esquires, for the improvements they have made on said lands, which one of the Petitioners has promised to do. All which is submitted.

JAMES GALLAWAY, Ch.

The House taking this report into consideration resolved that

they do concur therewith and ordered that it be sent to the House of Commons, together with the following resolutions, vizt:

Resolved, that His Excellency the Governor, be and he is hereby requested on its being made appear to him by John Truebody, Esqr., of the State of Rhode Island, that he is in quiet and peaceable possession of a tract of land, the property of him the said John Truebody, his Brother and Sisters, which hath been sold as confiscated property to Christopher Neale and John Jones, Esquires, to cause the bond of the said Jones and Neale given for the purchase money of the said lands, to be cancelled, but should it so happen that possession is continued to be refused to the above mentioned proprietors, that then and in that case the Governor direct the Treasurer to assign over the said bond to him the said John Truebody, his Brother and Sisters.

Sent for concurrence.

Received from the House of Commons a resolution of that body allowing Thomas Bridgen the sum of £15 for removing the public papers belonging to the House of Commons from New Bern to Fayetteville which was read and rejected.

Mr. Macon, from the Committee, delivered in the following report, vizt :

The Committee to whom was referred the Petition of William Murphy, report,

That it appears by the Deposition of the said Murphy, and other proofs which they have no reason to doubt as the same is confirmed by common report, that there were stolen out of his pocket on the night of the 25th of December, 1785, a certificate for his attendance as Doorkeeper to the Senate at the session at Wake Court House for £10,000, another for his attendance at the preceding intended session at New Bern for £2,000, and another in the name of his son, William Rigney Murphy, then a door keeper, for his attendance at the said intended session for £2,000, all which sums according to the scale of depreciation amount to £40,000 of the present currency; Your Committee therefore considering the honest character and the faithful services of this man in his humble station for several years past, do recommend that on his producing a certificate to the Treasurer from the public printer, that the loss of the said certificates particularly described has been advertised in the North Carolina Gazette for four weeks successively and entering into bond

to be taken by the Treasurer that they shall not be passed into any public office established for the receipt of public monies ; shall pay him the said forty pounds & be allowed therefor in the settlement of his public accounts.

Your Committee also find, that there were stolen from him at the same time a loan office Certificate marked A No. 9 B. NewBern; dated the 11th of April, 1781, for £8,000 in his own name ; and, another marked C. No. 10 D. NewBern for £8,000 dated the same day in the name of his son William Rigney Murphy, and that the same as appears by a Certificate from under the hand of the Treasurer & Comptroller respectively have never yet been presented, or passed into either of their Offices; Your Committee therefore recommend that new Certificates of the same tenor and date and in the same names be issued by the person or Officers having the cheques thereof in his possession, & that he mark on the cheques a short note signifying the date of this report and the re-issuing of the Certificates and make mention of the same in the Certificates so re-issued. All which is submitted.

JOHN MACON,  
BRYAN WHITFIELD,  
THOMAS FROHOCK,  
JAMES BLOODWORTH.

This report being read was concurred with and sent to the House of Commons.

Received from the House of Commons a Resolution of that Body of this date in favor of John Macon, Esquire, which was read, concurred with and returned.

Received likewise by way of the House of Commons an Estimate of the Certificate Debts due by this State ; accompanied by a Resolution of the House of Commons relative thereto ; which resolution being read and objected to, the House resolved as follows, vizt.:

Resolved, That the public printer of this State be and he is hereby directed to strike off for the information of the public at large, one Hundred and fifty copies of the Estimate of Certificate Debts due and owing by this State, and cause that they be forwarded in due proportion to the Clerks of the Superior Courts of Law and Equity; which Clerks shall cause such copies to be delivered at the same time with the acts of the present session to the Clerks of the



County Courts in each District one Copy thereof to be by each of them posted up at the door of the Court House of each County respectively.

Ordered that the foregoing, with the following message be sent to the House of Commons vizt :

Mr. Speaker and Gentlemen :

We do not concur with the resolution of your House directing the Printer to publish and bind up with the Laws a Copy of the Estimate of Certificates due by the State, but propose that the one herewith sent you on that subject be adopted in lieu thereof.

Received from the House of Commons a Resolution of that Body of this date in favor of Stephen Moore, Esquire, of Caswell County, which was read, concurred with and returned.

Received likewise the Bill directing the mode of proceeding upon Impeachments. Endorsed in the House of Commons "read the second time, amended and passed."

Ordered that this bill be read, which, being read, was on motion laid over until the next session of Assembly.

Mr. Tipton presented the petition of Duncan Campbell setting forth that Col. Thomas Matthews of Moore County, had as a justice of the peace, been guilty of Bribery, &c., whereupon, the said Petition and the Affidavits therein enclosed being read the House resolved as follows, to-wit :

Whereas, it appears to this House by sundry affidavits and other testimony that Thomas Matthews, Colonel of the County of Moore and one of the Justices of the Peace therein, hath been guilty of Bribery as a Justice and hath otherwise demeaned himself in an unbecoming manner,

Resolved, That the said Thomas Matthews be and he is hereby suspended from the execution of his said Office as Colonel and Justice of the Peace, unless he shall appear at the next General Assembly and shew cause wherefore this suspension should be done away; and that in the mean time he be served with a Copy hereof. Sent for Concurrence.

Received from the House of Commons the Report of the Committees on the Accounts of Commissioners of Confiscated Property & Superintendants of the Press. Endorsed "read and concurred with as amended."

Received likewise the bill for establishing a Militia in this State.

Endorsed in the House of Commons "read the second time, amended and passed."

Ordered that this bill be read, which, being read, was amended, passed the third time and sent to the House of Commons.

Received from the House of Commons a Resolution of that Body of yesterday requiring His Excellency the Governor to cause to be published in the North Carolina Gazette a List of the names of the negroes carried away by the British in contravention of the late Treaty of Peace; which was read; concurred with and returned.

Mr. Gillispie who withdrew for amendment the bill to prevent the appointing too great a number of Justices of the Peace & to compel the clerks of the several County Courts in this State to make return as therein directed; presented the same when it was read as by him amended, passed the second time and sent to the House of Commons.

Received from the House of Commons a bill declaring the late Treaty of Peace between the United States of America and Great Britain is and hath been in full force in this State as part of the Law of the Land. Endorsed in the House of Commons "read the first time and passed."

Ordered that this bill be read, which, being read the first time was laid over 'til next Assembly.

Received likewise the Bill for laying a tax on all seamen coming into the respective ports of this State for raising a fund for the support of sick seamen and for the proper appropriation of the same. Endorsed in the House of Commons "read the second time and passed."

Ordered that this Bill be read, which, being read, was passed the second time and returned.

Received also a bill to amend an act entitled "an act to establish in the Towns of Edenton, Washington, NewBern and Wilmington Courts for the more speedy Decision of Mercantile Transactions with Foreigners and transient persons & of maritime Affairs." Endorsed in the House of Commons "read the first time and passed."

Ordered that this bill be read, which, being read, was laid over until the next Assembly.

Received from the House of Commons the bill to enable William Moore, late sheriff of Burke County, to collect all the taxes due from the said County for the year 1785, and to allow him a further

time for settling for his collections with the Treasurer. Endorsed "read the second time and passed."

Ordered that this Bill be read, which being read, was passed the second time and returned.

Received likewise the bill for establishing a Town on the land of Richardson Fagin in the County of Moore, &c., which was read the second time and laid over 'til next Assembly.

Received also, the bill to pardon and consign to oblivion the Offences and Misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins. Endorsed in the House of Commons "read the second time, amended & passed."

Ordered that this bill be read, which being read, was amended, passed the third time & returned.

General Rutherford presented the account of Lewis Bowell, which, being read, the House resolved as follows, vizt.:

Resolved, That Lewis Bowell, of the Town of Fayetteville, be allowed the sum of eighty-nine pounds one shilling current money in full for provisions, &c., by him furnished sundry persons confined agreeable to a resolution of the General Assembly, that the Treasurer pay him the same and be allowed. Sent for concurrence.

General Rutherford also presented the Petition of Hugh McDonald, which, being read, the House resolved as follows, to-wit.:

Resolved, That Hugh McDonald of the Town of Fayetteville be allowed the sum of fifteen pounds current money in full of that sum granted him for the use of a House for the purpose of confining certain prisoners during the present session; that the Treasurer pay him the same and be allowed. Sent for concurrence.

Resolved, That General Gregory be, and he is hereby directed to return to Memucan Hunt, Esquire, late Treasurer, all the due Bills which the Committee for examining, &c., received of him during their sitting as such.

Sent for concurrence.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen :

We propose balloting at five o'clock this evening for the officers that were to have been balloted for last evening and put in nomination for the said offices respectively the persons before nominated, and add to that nomination for purchaser of Tobacco for Halifax Egbert Haywood.

The foregoing being read it was ordered that the following message be sent to the House of Commons :

Mr. Speaker and Gentlemen :

We likewise add to the nomination for purchasing Tobacco at the town of Halifax Egbert Haywood, Esquire, but do not agree that this balloting be had at the time by you proposed.

Received from the House of Commons the Bill to emancipate Ceasar, formerly a servant of Samuel Yeargan, deceased. Endorsed, "read the second time, and passed."

Ordered that this bill be read, which, being read, was passed the third time & returned.

Received likewise the Bill to alter and amend an act passed at Hillsborough in May 1783, entitled "an act for repairing the Court House and Prison in the Town of Salisbury for the District of Salisbury," and, also one other act passed at New Bern 1784, entitled "an act for levying a tax in the counties in Hillsborough and Salisbury Districts, for the repairing the District Buildings in the towns of Hillsborough and Salisbury, & directing the method of calling to account all Commissioners of public buildings heretofore or hereafter to be appointed, also to alter and amend the several Laws now in force for erecting and repairing the public Buildings in the District of Hillsborough." Endorsed, "read the third time and passed."

Ordered that this bill be read, which, being read, was passed the third time and ordered to be engrossed.

Mr. Tipton, from the Committee, delivered in the following report, vizt :

The Committee of Petitions and Memorials to whom was referred the petition of James Greenlee, report :

That they find that Mr. Greenlee was appointed Sheriff and made the collections for the county of Burke for the years 1780 and 1781, and hath the money now by him received from those collections, which the Treasurer of that District refused to receive as Mr. Greenlee collected it, and that Mr. Greenlee also collected the taxes for the years 1782 and 1783, agreeable to a list of taxables delivered to him, but the sheriff having a different return would not settle by the one delivered the sheriff as aforesaid.

Your Committee are therefore of opinion that the Treasurer of this State, settle with Mr. Greenlee for the years 1780 and 1781, in

such money and claims as he by his oath or otherwise shall prove were paid to him, and that he be allowed to settle his accounts for the years 1782 & 1783, by the return which he received to collect the taxes for the said years.

JOHN TIPTON, Ch.

The House taking this report into consideration, resolved that it be rejected.

Mr. Tipton likewise delivered in the following reports, vizt :

The Committee of Petitions and Memorials to whom was referred the petition of Hugh Ross, praying that his estate be restored to him, which is confiscated, report,

That they are of opinion that the said Ross was in a manner frightened away from his habitation by a set of men who, calling themselves Friends to America, tied him and whipped him for being a tory. Your Committee are therefore of opinion that the said Ross (being a poor ignorant man) be restored to his property, and that the commissioner of confiscated estates be directed not to make sale of his land.

JOHN TIPTON, Ch.

The House taking this report into consideration, resolved that they do concur therewith & ordered that it be sent to the House of Commons.

The Committee of Petitions and Memorials to whom was referred the petition of Andrew Bass, praying an allowance for sundry certificates & Cattle taken away from him by the British Troops under Lord Cornwallis, report,

That they find that these claims have been presented to two or three Assemblies before the present, and have as often been justly rejected, that Mr. Bass appears to have revived the Claim of the Certificates upon a mistaken opinion, that if he proved he lost them they would be allowed, but the invariable rule adopted by your Committee (and they believe it a just one) is to make no allowance for any certificates lost, which there is reason to suppose remain yet in circulation. Your Committee are therefore of opinion that the prayer of the said petition be finally and absolutely rejected.

JOHN TIPTON, Ch.

The House taking this report into consideration, resolved that

they do concur therewith, and ordered that it be sent to the House of Commons.

The Committee of Petitions and Memorials to whom was referred the petition of Daniel Buie and others, report,

That they find by sundry vouchers that the Troops under the command of General Rutherford in 1781, did receive from Daniel Buie and Archibald Maclaine fifteen Head of Cattle, for which they have not received satisfaction. Your Committee therefore recommend that the said Buie receive a specie certificate for fifty-four pounds for the nine Beaves taken from him, and the said Maclaine thirty-six pounds in the same kind of Certificates for the six taken from him.

JOHN TIPTON, Ch.

The Committee of Petitions and Memorials to whom was referred the petition of George Peay, praying a Releasement from the Fine imposed for the Forfeiture of a Recognizance entered into for the appearance of his son at Salisbury Superior Court, report,

That as the said George Peay has been in several posts of honor and trust in the said county, he be allowed to discharge the said fine with the certificates he received for his services while in the said offices. Your Committee are lead to make this mitigation in the Fine from an assurance that the said George Peay, in all his employments, hath conducted himself like an honest and upright servant of the public.

JOHN TIPTON, Ch.

The House taking these Reports into consideration, resolved that they do concur therewith, and ordered that they be sent to the House of Commons.

Received from the House of Commons the Bill for erecting a Prison in the county of Franklin. Endorsed, "read the second time & passed."

Ordered that this bill be read, which, being read, was passed the third time and returned.

Received likewise the bill to bring to condign punishment, and to secure their estates so as to be answerable to the public the persons therein described accused of certain crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to certain resolutions of this Assembly from vexatious suits

and prosecutions, & to establish a Board for the detection & further discovery of the said fraudulent practices, and for settling and liquidating the accounts of the Officers and Soldiers of the Continental Line. Endorsed in the House of Commons, "read the second time, amended and passed."

Ordered that this bill be read, which being read, was amended, passed the second time, & sent to the House of Commons.

Received also the following Bills, vizt :

The Bill to amend an act passed at Hillsborough in the year 1782, entitled "an act to vest the Title of a certain Tract of land in Robert Cummings," &c.

The Bill to amend an act entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out public roads, and to establish and settle Ferries & to appoint where Bridges shall be built, and to clear inland Rivers and Creeks," and the Bill to keep open Uharie, Rockey River of Pee Dee, the Catawba, Cape Fear, Deep River, the Yadkin River, Dan River, Haw River, and Rockey River for the passage of Fish up the same. Each endorsed in the House of Commons, "read the second time & passed."

Ordered that these bills be read, which being read, were passed the third time and returned, except the one last mentioned, which was passed the third time and ordered to be Engrossed.

On motion of General Rutherford, the House resolved as followeth, to wit :

Whereas, it is represented to the General Assembly that Edwin Ingram, of Montgomery county, hath rendered essential services to this State by his spirited conduct in apprehending and bringing to justice sundry persons of evil Fame, some of whom were convicted of Crimes and Misdemeanors, and punished for the same at the last Salisbury Superior Court, whereupon,

Resolved, that the General Assembly highly approve the spirited and virtuous conduct of the said Edwin Ingram.

Sent for Concurrence.

Received from the House of Commons the Bill to empower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House, Prison and Stocks in each county where necessary, and for defraying the Con-

tingent charges of the county. Endorsed, "read the third time, amended & passed."

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the third time, & ordered to be Engrossed.

Received likewise the Resignation of Reuben Slade and Augustine Swain as two of the Justices of Peace for Hyde county. Endorsed "accepted," which being read were accepted and returned.

Received also the Bill for purchasing Arms and Military Stores, and for establishing a Magazine, and

The Bill for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels in the several counties therein mentioned. Each endorsed in the House of Commons, "read the second time & passed."

Ordered that these Bills be read, which being read, were each of them laid over till next Assembly.

Received from the House of Commons the Memorial of Col. Martin Armstrong, of Surry county, in behalf of Samuel Cummings, Esquire, and

The Petition of Hugh McLean. Each endorsed in the House of Commons, "read and referred as by the Senate."

Received likewise the Bill for levying a Tax in the District of Edenton for building the jail of the said District. Endorsed, "read the Second time & passed."

Ordered that this Bill be read, which, being read, was passed the third time & returned.

Received also the Bill to Suspend the Execution of Grants of certain Lands in Guilford county, for the purpose therein mentioned. Endorsed in the House of Commons, "read the first time & passed."

Ordered that this Bill be read, which, being read, was passed the first time & returned.

Received from the House the Bill to enable William Moore, late Sheriff of Burke county, to collect all the Taxes due from the said county for the year 1785, and to allow him a further time for settling for his collections with the Treasurer. Endorsed, "read the third time & passed."

Ordered that this Bill be read, which, being read, was passed the third time, and ordered to be Engrossed.

Adjourned 'til to-morrow morning 9 O'clock.



Wednesday, Jany. 3d, 1787.

The House met.

Received from the House of Commons a Resolution of that Body of yesterday, directing Genl. Gregory to deliver to the Comptroller all such due Bills which the Committee for examining, &c., received from the Treasurer, which was read, concurred with, & returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We agree that the petition of James Fletcher and all the papers relative to the Subject matter thereof, be withdrawn as by you proposed.

Received also a Resolution of the House of Commons of yesterday, requesting Mr. Neale and Col. Polk to collect the original Depositions, &c., relative to the fraudulent making out of Certificates, Due Bills, &c., and directing Mr. Pleasant Henderson as therein mentioned, which was read, concurred with and returned.

Received from the House of Commons the Resolution of this House of yesterday relative to the striking off a number of Copies of the Estimate of the Certificate Debts due by this State, and the Report of the Joint Committee on the Claim of the late Honorable William Byrd, Esq., decd. Each endorsed in the House of Commons, "read and concurred with."

Received likewise a Resolution of the House of Commons of yesterday, directing Mr. Winston Caswell as to the manner in which he shall settle for Monies drawn for the purpose of paying off Expresses, Witnesses, &c., who have been employed or called on to bear Testimony pursuant to some Resolution or Resolutions of this General Assembly, which was read, concurred with and returned.

Received also the following message :

Mr. Speaker and Gentlemen :

We have appointed Messrs. Sloan, McDowell, Brown, Carson and Holland to act with the Gentlemen by you appointed to receive from the Sub-Committee, &c., the old Continental and State Dollar Money, and to do therewith as by you proposed.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We have received and considered of your Resolve relative to the

Suspension of Col. Matthews, with which we do not concur ; that Gentleman being now in town and desirous to be admitted to his defence immediately, we therefore propose that a Committee be appointed to examine into and report the Charges against him. We have on our part appointed Messrs. Whitfield, Hamilton and McDowall for this purpose.

The foregoing being read, it was ordered that the following message be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

Messrs. Lewis, McCawley, Riddick and Bledsoe will, on the part of this House, act with the Gentlemen by you appointed as a Committee to hear and report of Col. Matthews' defence as to the Charges exhibited to this Assembly against him.

Mr. Tipton delivered in a Report on the Memorial of Major Geo. Doherty, which being read and objected to, the House resolved as follows, vizt :

Resolved, That, pursuant to the Report of the Committee of Propositions and Grievances this day handed in, Major George Doherty be and he is hereby allowed the Sum of One Hundred & Eighty pounds, current Money, in full of that Sum due him for services and Expenditures when on duty by order of the late Gov. Martin ; that the Treasurer pay him the same & be allowed.

Resolved, further, That the Comptroller issue to Major Doherty a Certificate for Two Hundred & thirty-four pounds four Shillings, being in full for a Horse by him lost in the public Service & for Forage due him as Brigadier Major, which Certificate when issued shall be of equal value with Auditor's Specie Certificates.

Sent for concurrence.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We herewith send a Recommendation of persons to be added to the Commission of the peace for the County of Orange, signed by the Representatives. This Recommendation being read, was agreed to & returned accordingly.

Received likewise a Resolution of the House of Commons for Striking off 400 Copies of " the Bill to amend and alter the Court System ; " which was read, concurred with & returned.

Mr. Hill, from the Committee, delivered in the following Report, vizt. :

The Committee to whom was referred the Memorial of Hodge & Blanchard, Printers to the State, beg leave to report—

That in order to obtain a small Sum in hard Money on purpose to purchase Materials to complete the public Business the said Hodge & Blanchard disposed of a Warrant on the Treasury for one half of their annual Allowance as Printers, for some hard Money, and a due Bill which was issued by the former Board of Commissioners, dated 7th May, 1785 ; that the said due Bill was presented to the Treasury for payment & was refused, the money, as the late Treasur asserts, being then all paid out.

Your Committee are Therefore of Opinion that the Treasurer be directed to pay off said due Bill, which shall be allowed him in the Settlement of his public Accounts.

All which is submitted.

HENRY HILL, Ch.

The House, taking this report into consideration, resolved that they do concur therewith, & ordered that it be sent to the House of Commons for concurrence.

Received from the House of Commons a Bill declaratory of the Powers of Courts and of the Rights of Juries. Endorsed, “ read the first time & passed.”

Ordered that this bill be read, which, being read, was passed the first time & returned.

Received likewise the Bill to vest the Title of a piece or parcel of Land lying in Jones County in Howell Brown and His Heirs in fee Simple ; and

The Bill empowering Commissioners to dispose of the Land and Glebe, the property of St. John's Parish, formerly in the County of Bute (now in Franklin). Each endorsed in the House of Commons, “ read the second time & passed.”

Ordered that these bills be read, which, being read, were respectively passed the third time & returned.

Received also the Bill to direct the Method to appoint Jurors and Surveyors to run out disputed lands. Endorsed in the House of Commons, “ read the third time & passed.”

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received from the House of Commons the following Bills, vizt.:

The Bill directing the Commissioners of Confiscated Property to receive Certificates agreeable to a Resolution of the last General Assembly; and,

The Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relates to making an Allowance to the Owner or Owners for any executed or outlawed Slave or Slaves. Each Endorsed in the House of Commons, "read the first time and passed."

Ordered that these Bills be read, which being read, were respectively passed the second time and returned.

Received likewise the Bill prescribing the Method of admitting Attorneys to practice in the several Courts of Law and Equity in the State, and ascertaining how they shall be tried for Misbehavior. Endorsed in the House of Commons, "read the third time, amended & passed."

Ordered that this bill be read, which being read, was rejected.

On motion of General Rutherford, the House resolved as followeth, vizt.:

Whereas, it is represented to the General Assembly that a certain Alexander Shannon was killed by a Company of Militia of Guilford County in the year 1781, which said Shannon had fled from the defence of this Country & joined the Enemies therof, and had committed sundry Atrocious Robberies and other Enormities on the good Citizens of this State, at a time when a Banditti of Villains, headed by one Fanning, with whom the said Shannon was supposed to be connected, had massacred a number of worthy Citizens with impunity, when the public Jails of the State were in such condition that no Prisoners could be detained without large Guards to attend, and when Courts of Law, through the confusion of the times, were dormant; and whereas, it is further represented that James McAdon, whose Brother had been then lately murdered by said Fanning & his party, Henry Reid and William Hall were a part of and present in the said Company by whom the said Shannon was put to death, who are now liable to a capital prosecution in the Courts of Justice for having committed an Act not justifiable by the Laws of the Land; which persons are recommended by a number of respectable Citizens to the Notice of the Legislature—

Resolved, therefore, that the said James McAdon, Henry Reid, William Hall and every other person or persons then present of

the said Company, who were in anywise concerned in the killing of the said Alexander Shannon, be, and the said persons and every of them, are hereby recommended to His Excellency, the Governor, to be fully pardoned for any Murder, Manslaughter or other Species of Homicide done or committed by them or any of them on the person of the said Shannon, with which they are, or may be chargeable in the Courts of Law respecting the same.

Sent for Concurrence.

Received from the House of Commons the Bill declaring what shall be considered Misbehaviour, Absence and Inability in a Justice of the Peace, and to prevent the Increase of Justices in this State. Endorsed, "read the first time, & passed."

Ordered that this Bill be read, which, being read, was passed the third time, and returned.

Received likewise the Bill to carry into further effect, an Act entitled "an Act for opening the Land Offices for the redemption of Specie and other Certificates, and discharging the Arrears due to the Army." Endorsed in the House of Commons, "read the third time, amended & passed."

Ordered that this Bill be read, which being read the third time, was laid over until next Assembly.

General McDowall presented a Bill to amend an Act passed at New Bern in December, 1785, entitled "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions & of the Justices of the Peace out of Court, & directing the time of holding the several Courts of this State," which was read the first time, passed, & sent to the House of Commons.

Received from the House of Commons the Report of the Committee to whom was referred the Returns made from the different counties in this State, pursuant to an Act for Ascertaining the number of white and black Inhabitants, &c. Endorsed, "read and concurred with," which, being read, was concurred with and returned.

Received likewise the following message :

Mr. Speaker and Gentlemen :

We propose that a Judge of the Court of Admiralty for Port Roanoke be ballotted for at the time the other Officers are ballotted, and put in nomination John B. Beasley.

The foregoing being read, the House resolved as followeth, vizt :  
Resolved, that John B. Beasley, Esquire be, and he is hereby ap-

pointed Judge of the Court of Admiralty for Port Roanoak in the room of W. Skinner, Esquire, resigned, and he is hereby declared to be vested in consequence of this his Appointment with the like powers & authorities as the other Judges of the Courts of Admiralty in this State, and his Excellency the Governor, is hereby required to Commission him accordingly.

Sent for Concurrence, together with the following message, vizt :

Mr. Speaker and Gentlemen :

We do not agree to ballot for a Judge of the Court of Admiralty for Port Roanoak, but propose that Office be appointed by Resolve to which end we send herewith a Resolution for your Concurrence.

Mr. Mitchell moved for leave, & presented a Bill to amend an Act passed at Hillsborough in May 1784, entitled "an Act for regulating the Pilotage of Cape Fear River," &c., which was read the first time, passed, & sent to the House of Commons.

Mr. Tipton from the Committee, delivered in the following reports, vizt :

The Committee of Petitions and Memorials to whom was referred the petition of Mary Moore, praying an allowance for saving a quantity of Money at Gates' defeat, report,

That they are of Opinion that the same be rejected.

The Committee of Petitions and Memorials to whom was referred the petition of Mary Moore, praying an allowance for pay due her late Husband, Stephen Moore, a Sergeant under Captain Grainger, report,

That they find that the said Mary Moore is entitled to receive the pay due her late Husband as aforesaid, & recommend that the Commissioners to be appointed for the Settlement of Army Accounts do allow the Same.

JOHN TIPTON, Ch.

The House taking these Reports into Consideration, resolved that they do concur therewith, and ordered that they be sent to the House of Commons for Concurrence.

Received from the House of Commons the Bill for the better ascertaining the taxable property in the town of Wilmington, and collecting the public and other Taxes which may be imposed thereon and for the further regulation of the said town, and also for repairing the Episcopal church of Saint James's situated therein, and

The Bill to amend an Act entitled "an Act for the promotion of learning in the District of Wilmington." Each endorsed in the House of Commons, "read the first time & passed."

Ordered that these Bills be read, -which, being read, the first mentioned one was laid over 'til next Assembly, and the other was rejected.

Received likewise a Resolution of that Body of Yesterday, in favor of Doctor Charles Pasteur, of Halifax, which was read and concurred with & returned

Mr. Harget delivered in the following Report to wit :

The Committee appointed to ascertain the names of the Officers of the late Continental Line of this State who are entitled to pay under the Governor's Proclamation report,

That it is the Opinion of your Committee that Major John Nelson, Capt. Benjamin Coleman, Thomas Armstrong, John Ingles, Thos. Evans, William Lytle, John Davis, Gee Bradley, Tillman Dixon, John Ford, James Tatom and Abner Lamb, are entitled to pay, and recommend that they be allowed Fifteen Shillings for every day they so attended, & at the same rate for every thirty miles travelling to and from the Genl. Assembly.

All which is Submitted.

FREDK. HARGET, Ch.

The House taking this Report into Consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons for Concurrence.

General Rutherford presented an Instrument of writing signed by a number of the Merchants of Fayetteville and others, declaratory of the careful and praiseworthy conduct of Robert Rowan, Esq., in the Business of Purchasing Tobacco for the use of the public, which was read, & ordered to be sent to the House of Commons.

Received from the House of Commons the report of the Chairman of the Committee of the whole of the two Houses assembled on Monday last, for the purpose of hearing the Judges of the Superior Courts of Law and Equity in their defence as to the Charges exhibited against them to this Genl. Assembly, which Report was in the words following, vizt :

Report "on the first charge as Stated in the Report of the Committee appointed to enquire into the present Mode of the admin-

“istration of Justices in the Superior Courts of Law & Equity, which  
“respected the Conduct of the Judges on the case of Peter Mallett.  
“It was resolved that the Facts reported by the Committee respect-  
“ing the suspension of Peter Mallett’s suits in the Superior Courts,  
“do not amount to a Misdemeanor in office.”

On the Second, which was the Banishment of Francis Brice and Daniel McNeill, the following question was proposed to wit :

“Are the Judges guilty of any Malpractice in Offices in the Banishment of Francis Brice and Daniel McNeill ?”

*“It was resolved in the negative.”*

“The Committee then proceeded to take up the remaining part  
“of the Report, containing Sundry Charges against their Honors  
“the Judges, and to decide thereon generally by the following general question, vizt :

“Have the Judges been guilty of any Malpractice in Office or not? Which was resolved in the negative.”

All which is Submitted.

RICHARD DOBBS SPAIGHT, Ch.

This Report was endorsed in the House of Commons, “read and concurred with.” Which, being read, was concurred with and returned.

The Report of the joint Committee alluded to in the foregoing Report of the Chairman of the Committee of the whole of the two Houses was in the words following, vizt.:

The Committee to whom was referred the Examination into the present mode of the administration of Justice in the Superior Courts of Law and Equity report—

That Peter Mallett, having been indicted for high Treason in Wilmington Superior Court, was, in May term, 1783, brought to his Trial, and having pleaded a Pardon of the Governor, the Verdict of the Jury was that he was not excepted out of the same, and that he had performed the Conditions thereof, and the Judgment therein was that the Pardon should be admitted according to the purport thereof for pardoning the said Crime, and restoring the said Peter Mallett to all the Privileges of a Citizen ; and it was the opinion of the Court of the then last term under the Act of Assembly for Suspending the Privileges of the said Peter Mallett to commence or prosecute any suit in Law or Equity, be in consequence of the said pardon rescinded & fully vacated.



That at Hillsborough, in October term, 1785, two suits of the said Peter Mallett were refused to be tried, the Court questioning the right of him, the said Peter, to commence or prosecute any Suits ; and that at Wilmington, in December term, in the year last mentioned, the said Peter Mallett, having obtained Judgement at the said term against divers persons, the Court ordered that execution of the said Judgments should be stayed until it should be decided whether the said Peter Mallett was not disabled from suing in the Court.

That at Wilmington Court, in June, 1786, upon Motion of Peter Mallett's Attorney, that cause might be shown why his, the said Peter's, right to sue in the Courts of this State should be suspended, a day was given them to argue the same ; and on argument, the Court were of opinion that this question had before been decided in May term, 1783, and therefore it was the opinion of the Court that the subsequent order should be vacated ; and for the Proof of these Facts your Committee beg leave to refer to the Paper marked No. 1, containing Extracts from the Records of Wilmington Court ; the latter part of the Deposition of John Huske, marked B No. 2 ; the Information of the Lawyers on the Committee who practice in Hillsborough & Wilmington Courts, and McNeill's Petition, with Papers enclosed marked A.

That at Wilmington Superior Court in December term, 1785, Indictments were preferred by express directions of the Court against a certain Francis Brice and a certain Daniel McNeill for Misdemeanor, in returning to this State after having committed divers treasonable Acts and having fled for the same, contrary to the meaning and spirit of the Treaty of Peace and to the laws and Constitution of the State ; and in order that the said Bills might be found by the grand jury, who doubted whether the Charges in the Indictments amounted to a crime, did expressly direct the said grand jury that if the Facts charged appeared to them to be true, they were to find the Bills, and that the Court, and not they, were to judge whether the Act was criminal, and in what degree ; and that the Judges during the Trial in these Causes hereafter mentioned said "that no Sovereign State or Government was without a power to prevent its receiving injury ; that the return of the said Francis Brice and Daniel McNeill was a Misdemeanor in each of them, & that a Law should have been made against the return of such characters to the

State, or to that effect." That the Indictments were found, and the said Brice & McNeill tried (although the former prayed time for his trial, alleging the want of his Council) and convicted, and the Court laid a small fine upon each of them (Reasons in arrest of Judgment being offered by Francis Brice's Attorney and over-ruled), adjudged that the said Francis Brice should stand committed until he should pay his fine and enter into security before two Magistrates, himself in the Sum of Five Hundred pounds, and two Securities in the Sum of Two Hundred & fifty pounds each; that he should depart the State within Sixty days, and the like Judgment with respect to Daniel McNeill. And for proof of the above facts your Committee refer to authenticated Copies of the Indictments, Verdicts and Judgments marked No. 3; the Deposition of the Attorney General, marked No. 4, and the Deposition of John Huske, marked B No. 2.

That the Judges, Spencer and Williams, did in some instance receive Monies levied for forfeited Recognizance and Fines imposed by themselves; and that all the Judges at Wilmington Court in December Term, 1785, did declare that the General Assembly had no power to remit or suspend the payment of Fines until they should be paid into the Treasury. See the Papers marked No. 5 and 6; and your Committee for the declaration of the Judges as to the Power of the General Assembly refer to the Information of the Practisers of the Law on the Committee, who attend Wilmington Court.

That Judge Williams at Wilmington in June, 1786, in the Case of William Hay, surviving partner of John Hay & Co., against Whitall on a Bond, to which the defendant had pleaded payment, and on which the Jury meant to calculate the Interest and deduct some payments which had been made; the said Judge, after directing them to find the issue for the Plaintiff, expressly directed the Clerk of the Court to strike off six years' Interest, without any Plea of the defendant or any Suggestion on his part; the Plaintiff came within the description of the Act of last Session for preventing the Recovery of Interest in certain cases. For proof of this, your Committee refer to the Information of Colo. Thomas Brown, who was one of the Jury; William Hooper, Esquire, Council for the Defendant, and a Transcript of the Records in that case, marked No. 7.

That Judge Spencer, at Morgan Superior Court, in the Term of September, 1785, declined to relieve the Securities in a Recogni-

zance on a supposed Judgment and erroneous Execution thereon, issued after it appeared ; that the principal had been surrendered, and was actually ordered into custody, though the whole appeared to be a Misprision of the Clerk. See the Petition of James Blair and others, marked No. 3, & the Paper enclosed. And that all the Judges at Wilmington Court in June Term, 1786, in the case of Alexander McIver, who was surrendered by his Bail on criminal Prosecution, did adjudge that the said Bail should forfeit five pounds each, notwithstanding that they pleaded they were released and without suffering to try the validity of their Plea: See the Petition of Alexander McIver, No. 9, and Copy of the Record, No. 10.

That the Judges, Ashe and Williams, have never attended the Superior Court of Morgan District, by reason of which matters of Law in that Court remain undecided (see the Presentment of the grand Jury in that District, marked No. 11) ; and that all the Judges occasionally neglect to attend their Courts regularly—sometimes arriving late in the terms, and sometimes leaving the Courts early. That Judge Ashe frequently arrived at Salisbury when the term of the Court was far advanced, and almost constantly left New Bern three or four days before the term ended.

That the delay of the Judges was greatly increased by tedious disputes between Judge Spencer and Judge Williams, and all the Judges as if combined to waste their time and delay business by long & frequently unnecessary Charges to the Juries, even in cases where they have been all agreed, Seldom trying more than six or eight cases during a term.

That the Number of Cases in the Superior Courts, are from the above Causes and perhaps from others, so much increased, that many Suitors have lost all hopes of ever seeing them determined, and from the non-attendance of the Judges and their difference of Opinion when there were but two on the Bench, Matters of Law are left undecided. All the Circumstances with respect to the Neglect and delay of the Judges being a Matter of public Notoriety. Your Committee have not thought it necessary to produce any proof thereof.

That at New Bern Court in May Term, 1786, in several Suits brought against Mr. Singleton and others, the Defendants under the Act for quieting in their possessions the purchasers of confiscated property, produced such Affidavits as the Act appears to require, and prayed that their suits might be dismissed, but the Judges declined to decide either for or against the Defendants, though an-

other Term has elapsed since the Arguments were heard, whereas if any insuperable Doubts arose on that Subject your Committee submit whether they should not have stated them to the General Assembly, that the Act in question might have undergone a Revisal. See the New Bern Petition marked No. 12.

Your Committee from the Shortness of time which they have had since the Examinations were finished, and from the delay which would have been occasioned by giving an Opinion on the several Charges, have been obliged to refer them to the Genl. Assembly.

A. MACLAINE,  
W. R. DAVIE,  
WILL HOOPER,  
R. D. SPAIGHT,  
J. G. BLOUNT,  
JNO. STOKES,  
JOHN SITGREAVES.

Received from the House of Commons the Resolution of this House of to-day appointing John B. Beasley, Esquire, Judge of the Court of Admiralty for Port Roanoak. Endorsed, "read and concurred with."

Received likewise the Bill for dividing the county of Davidson into two counties. Endorsed in the House of Commons, "read the Second time & passed."

Ordered that this Bill be read, which, being read, was passed the Second time and returned.

Received also the Bill to bring to condign Punishment, and to secure their Estates so as to be answerable to the public, the persons therein described, accused of certain Crimes & fraudulent Practices, and to indemnify such persons as have acted in pursuance to certain Resolutions of this Assembly from Vexatious Suits & Prosecutions, and to establish a Board for the Detection & further discovery of the said fraudulent practices & for settling and liquidating the Accounts of the Officers & Soldiers of the Continental Line. Endorsed in the House of Commons, "read the third time, amended & passed."

Ordered that this Bill be read, which, being read, was passed the third time & ordered to be Engrossed.

Mr. Macon delivered in the following Report, vizt :

The Committee appointed to receive and burn the old Dollar

Bills from the several Receivers heretofore of public Money, &c., Report,

That they have received, examined and burned from Thos. Harriss, late Sheriff of Mecklenburgh, the sum of three hundred & twenty-seven thousand, eight hundred & ninety-six dollars issued by the State of North Carolina, and have delivered the sum of two hundred and eighty-four thousand five hundred & fifty-four & three fourths Continental Dollar Bills, and have also delivered Certificates to the amount of sixty-four thousand three hundred & six pounds six shillings, and eight hundred & nineteen pounds three shillings & five pence Specie Certificates of several denominations, which were likewise received of said Harriss.

Your Committee have also received & burnt from John Brown, Esquire, the sum of ten thousand and six hundred & sixty-two pounds, eight shillings & seven pence in State Dollar Bills.

Your Committee also have received & burnt from Mrs. Rounsaval two thousand six hundred & sixty-nine pounds four shillings, in State Dollars, and returned to the Comptroller twenty-four pounds twelve shillings in Continental Dollars, and also returned forty-one thousand three hundred & eleven pounds fourteen shillings & three pence, in Certificates issued from this State, and two thousand and seventy pounds in loan office Certificates.

JOHN MACON,  
JAMES HARRIS,  
THO. CARSON,  
JOHN SLOAN,  
JOSEPH McDOWALL,  
JAMES HOLLAND.

The House taking this Report into Consideration, resolved that they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the Bill to amend an Act entitled "an act directing the mode of proceeding against the real estate of deceased debtors, where the personal Estate is insufficient for the payment of debts." Endorsed in the House of Commons, "read the second time and passed."

Ordered that this Bill be read, which, being read the second time was rejected.

Received likewise the Bill to amend the Law relative to attachment of property. Endorsed, "read the second time & passed."

Ordered that this Bill be read, which being read the second time was rejected.

Received also a Resolution of the House of Commons of this day directing the publication of two hundred Copies of "an Act to bring to condign Punishment certain persons accused of fraudulent practices against the State," &c., which was read, concurred, with and returned.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

We herewith send you a message from His Excellency, the Governor, accompanied with Sundry Papers from Congress and the Board of Treasury, which we propose referring to the Committee to whom were referred the last Communications from Congress, and as those Papers appear to be of consequence of the first Magnitude, we further propose that the Committee report without delay.

The foregoing being read, it was ordered that the following message be sent to the House of Commons, vizt :

Mr. Speaker and Gentlemen :

We consent that the Message & Papers this day laid before the Genl. Assembly by his Excellency, the Governor, be referred as by you proposed, & that the Committee to whom they are referred report forthwith.

Received from the House of Commons the Bill to amend an Act entitled "an Act for emitting £100,000 paper Currency for the purposes herein mentioned; for appropriating the Tobacco lately purchased by virtue of the said Act, towards discharging the interest of the Foreign debt due by the United States, and for making Provision for the future discharge of the principal & Interest of the said debt." Endorsed, "read the third time, amended & passed."

Ordered that this Bill be read, which, being read, was passed the third time and ordered to be Engrossed.

Received likewise the Bill to vest a Title of the Lands therein mentioned in the persons therein named. Endorsed in the House of Commons, "read the Second time & passed."

Ordered that this Bill be read, which being read the Second time, was laid over 'til next Assembly.

Received also the Bill for the Support of Government and for appropriating the Revenues of the State. Endorsed in the House of Commons, "read the third time, amended & passed."

Ordered that this Bill be read, which, being read, was amended by consent of the House of Commons, passed the third time, and ordered to be Engrossed.

Received from the House of Commons the Bill to direct the Commissioners appointed to sell confiscated property to collect the debts due to confiscated Estates, and enable certain persons therein described to obtain Titles for their Lands. Endorsed, "read the first time & passed."

Ordered that this bill be read, which being read the second time, was laid over 'til next Assembly.

Received likewise the Bill to enable the Ex'ors of Robert Hogg to maintain & defend Suits under the regulations therein mentioned. Endorsed in the House of Commons, "read the third time & passed."

Ordered that this bill be read, which being read, was amended by consent of the House of Commons, passed the third time and ordered to be engrossed.

Received also the Bill to amend an Act entitled "an Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public Taxes." Endorsed in the House of Commons, "read the third time, amended & passed."

Ordered that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Adjourned 'til to-morrow morning 9 O'clock.

Thursday, January 4th, 1786.

The House met.

On motion of Mr. Battle, the House resolved as follows, to-wit :

Whereas, there is in the office of the Comptroller a large amount of Paper Currency and Certificates, which have been paid into the public Offices for Taxes & other purposes, all of which should be examined and destroyed to prevent their coming again into circulation, to the great injury of the State ; therefore,

Resolved, That James Coor, John Herritage and Frederick Harget be a Committee, and that they or any two of them do apply

to the Comptroller at his Office at Kinston, for all the Paper Currency of this State and Comptroller and Auditor's Certificates in his Office, & that after examining the same and the Amount thereof, they cause the same to be utterly destroyed, excepting such as they may find to be fraudulent; and further, that the said Commissioners do receive from the Comptroller all Certificates and due Bills which may be at his Office, issued previous to the last Session of the General Assembly; and that after taking an Account of the Amount thereof, they cause the same to be finally & effectually destroyed, and make report of their proceedings to the next General Assembly, that a suitable Allowance be made for their services,

Sent for concurrence.

On motion the House Resolved as follows, vizt :

Resolved, that William Good and James Nicholson, of the town of New Bern, or either of them, do take into their care the public ground in New Bern, called the Palace Square, & the Buildings thereon, and rent the same or any part thereof as they may think proper until the General Assembly shall otherwise direct, and apply any Monies they may receive therefrom to the use of the Buildings; and in case any person shall in any manner damage the said Buildings, that they the said William Good and James Nicholson, or either of them do prosecute such person as they may find it necessary, at the risque and Expende of this State.

Sent for concurrence.

Received from the House of Commons a Resolution of that Body of yesterday for presenting the thanks of the General Assembly to Col. Adams Sanders, for his exertions in executing the Resolutions of the General Assembly for the Apprehension of certain persons accused of fraudulent practices against the Treasury of the State, &c., which was read, unanimously concurred with, & returned.

Received from the House of Commons the Bill for reprinting and republishing the Acts of Assembly of this State. Endorsed, "read the Second time, amended & passed."

Ordered that this Bill be read, which, being read the Second time, was laid over 'til next Assembly.

Received likewise the Bill to suspend the Execution of Grants to certain lands in Guilford county, for the purpose therein mentioned. Endorsed in the House of Commons, "read the Second time & passed."



Ordered that this Bill be read, which, being read, was passed the Second time & returned.

Received also the Bill to erect a District Court of Law and Equity at Fayetteville. Endorsed in the House of Commons, "read the second time, amended & passed."

Ordered that these Bills be read, which, being read, were amended, passed the Second time & returned.

On motion of Mr. Gillispie, the House resolved as follows, vizt :

Resolved, that it is the Sense of the Genl. Assembly that the officers who have been reported as entitled to a reimbursment of the Expenditures by them incurred in consequence of a late Proclamation issued by His Excellency the Governor, shall be allowed at the rates of Fifteen Shillings per day for every day they shall have attended on this Assembly previous to the 27th ulto., and at the like rate for every thirty miles they shall have travelled, & will be under the necessity of traveling in coming to and returning from this place, for which Allowances Certificates shall issue to them respectively, whenever their Accounts in this particular shall be presented to the Clerk of this House, duly proved, and which Certificates when issued, shall be of like value with those to the members of this Assembly, the Amount considered.

Sent for concurrence.

Received from the House of Commons the Report of the Committee appointed to consider of the Names of such Officers who have appeared here pursuant to the Proclamation issued by His Excellency, the Governor, and who, in consequence of such appearance, are entitled to pay. Endorsed in that House, "read & concurred with."

Mr. Herndon, from the Committee, delivered in the following Report; vizt :

Your Committee to whom was referred the Memorial of Richard Caswell, Esquire, report,

That the facts set forth in the Memorial of the said Richard Caswell so far as they relate to one Tract of Land called Tower Hill, containing four hundred acres, and one other Tract adjoining the same containing three hundred acres, appear to your Committee to be sufficiently supported. That it appears there is not, nor ever was, any Title to the late Governor Dobbs for those Lands, that the said Lands were notwithstanding sold for the property of the said

Governor Dobbs as forfeited under the Confiscation Laws, to the said Richard Caswell for the sum of Six Hundred & and fifty-one pounds, for which he gave his Bond as well as for the Consideration of other Lands amounting in the whole to Nine hundred & ten pounds.

That as no Title to the aforesaid two Tracts of Land containing Seven Hundred Acres can be properly issued to the said Richard Caswell, your Committee are of opinion that the Treasurer be directed to release to the said Richard Caswell, on his said Bond, the Consideration for such Lands amounting to the said sum of Six Hundred & fifty-one pounds, and that he be also directed to receive in payment of the residue of the said Bond, Certificates to the amount of two-thirds of the remaining sum, and the other third in Money agreeable to the Tenor of the Act of Assembly under which such Lands were Sold.

Your Committee further report, that it is their opinion that all the Lands which were sold by Benj. Shepperd as Commissioner of New Bern District, and the law not fully complied with, shall be sold by the present Commissioner for that District agreeable to the Law under which he now acts, the sales made under the former law to the contrary notwithstanding.

All which is submitted.

BENJ. HERNDON, Ch.

The House taking this Report into Consideration, resolved that they do concur therewith, & ordered that it be sent to the House of Commons.

Received from the House of Commons the Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relate to making an Allowance to the Owner or Owners of any executed or outlawed Slave or Slaves. Endorsed, "read the Second time & passed."

Ordered that this Bill be read, which, being read, was passed the third time and returned.

Received likewise the pay Rolls of the Militia who acted as a Guard to the Prisoners confined by order of this Assembly, together with other papers relative thereto. Endorsed in the House of Commons, "read & referred to Messrs. Dodd and McKinne," which, being read, were referred to Messrs. Herndon & Harris and returned.

Received also the Report of the Committee on the petition of Wil-

liam Murphy Door-Keeper. Endorsed, "read and concurred with."

Received from the House of Commons a Bill for raising Troops for the Protection of the Inhabitants of Davidson county. Endorsed, "read the third time, amended & passed."

Ordered that this Bill be read, which, being read, was amended by Consent, passed the third time & ordered to be Engrossed.

Received likewise the Bill directing the Commissioners of confiscated property to receive Certificates agreeable to a Resolution of the last Genl. Assembly. Endorsed, "read the third time, amended & passed."

Ordered that this Bill be read, which being read was passed the third time & returned.

Received also the Reports of the Committee of Petitions & Memorials on the petition of Andrew Bass, and the Report of the said Committee on the petition of Hugh Ross. Each endorsed in the House of Commons, "read & concurred with."

Received from the House of Commons the Resolution of this House of yesterday relative to the murder of a certain Alexander Shannon. Endorsed, "read and concurred with."

Received likewise a Resolution of the House of Commons directing John Haywood public Treasurer, to qualify as such, &c., which was read, concurred with and returned.

Whereupon, Mr. John Haywood, Clerk of the Senate made formal Resignation of his Appointment as Clerk aforesaid, when Sherwood Haywood was appointed Clerk in his Stead.

It was then Resolved, That an Assistant Clerk for this House be balloted for to-morrow.

Received from the House of Commons the Report of the Committee to whom was referred the Memorial of Mr. Wm. England. Endorsed "read and concurred with as amended."

Which being read was concurred with by this House as by the House of Commons and returned.

Received at the same time a Resolution of the House of Commons consequent on the Report aforesaid, which, being read, was concurred with and returned.

Mr. Tipton from the Committee of Petitions and Memorials delivered in a Report on the Petition of Mrs. Mary White, which was read and rejected; whereupon,

Resolved, That Mary White, Relict of David Lindsey White,

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late Sheriff of Bladen County, or the Administrators of the said White be and they are hereby directed to pay into the Hands of the public Treasurer the old Dollar Bills amounting to Nineteen thousand & Sixty pounds & Six pence ; also, the old Proclamation Money amounting to One hundred & Ninety-eight pounds, fourteen Shillings, which the said late Sheriff received for Taxes, and that the said Treasurer Scale the old Dollar Bills at Eight hundred for one; for which two sums the Treasurer is directed to credit said late Treasurer Sheriff's Account with the public; and further that the said Treasurer be directed to delay bringing suit against the said Administrators for the Balance due the Public until the said Administrators have time to finish the Collection for said Taxes which the said late Sheriff's Administrators are by Law accountable for.

Sent for Concurrence.

Received from the House of Commons a Resolution of that Body of this day declaring the Approbation of the Genl. Assembly of the Conduct and ready Attendance of Capt. Abram Lamb, which was read.

[The concluding pages of Senate Journal are missing.—Ed.]

# THE HOUSE JOURNAL---1786.

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JOURNAL OF THE HOUSE OF COMMONS COMMENCING 18 NOV., 1786

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STATE OF NORTH CAROLINA,  
IN THE HOUSE OF COMMONS, NOVEMBER 18TH, 1786.

At a General Assembly begun and held at Fayetteville on the Eighteenth Day of November, in the year of our Lord one Thousand and Seven hundred and Eighty-six, and in the Eleventh year of the Independence of the said State, it being the first Session of the Assembly.

The Returning officers of the Several Counties, Certified that the following persons were duly Elected as Members of the General Assembly to represent the same in this House, vizt :

For Anson County—William Wood and William Lanier.

Beaufort—John G. Blount and Henry Small.

Bertie—

Brunswick—

Bladen—Peter Roberson and James Richardson,

Burke—

Craven—Richard D. Spaight and Abner Neale.

Cumberland—John Hay and Edward Winslow.

Carteret—Eli West and John Fulford.

Currituck—Joseph Ferebee.

Chowan—Josiah Copeland and Lemuel Creecy.

Camden—Lemuel Sawyer and Peter Dauge.

Caswell—Adams Sanders and Robert Dickens.

Chatham—James Anderson.

Dobbs—Bryan Whitfield and Moses Westbrooks.

Duplin—Joseph T. Rhodes and Joseph Dickson.

Davidson—James Roberson and William Polk.

Edgecombe—Ethelred Philips and Robert Diggs.

Franklin—Durham Hall and Richard Ransom.

Guilford—John Hamilton and Barzilla Gardner.

Gates—

Granville—

Greene—

Halifax—John B. Ashe & Augustine Willis.

Hertford—William Hill.

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Hyde—John Eborne and Scathy Rew.  
Johnston—William Avera and Needham Bryan.  
Jones—William Randal.  
Rockingham—  
Lincoln—Daniel McKissick.  
Moore—John Cox & Charles Crawford.  
Martin—Joseph Bryan & William McKenzie.  
Mecklenburg—Caleb Phifer & George Alexander.  
Montgomery—James McDonald and John Palmer.  
Nash—John Bonds and Joseph J. Clinch.  
Northampton—James Vaughan and Nehemiah Long.  
New Hanover—  
Onslow—Daniel Yates.  
Orange—  
Pasquotank—Thomas Reading & Edward Everagin.  
Perquimans—Foster Toms.  
Pitt—  
Rutherford—James Withrow and James Holland.  
Rowan—  
Randolph—William Bell and Zebedee Wood.  
Richmond—Robert Webb & Benjamin Covington.  
Surry—James Martin.  
Sullivan—John Scott and Thomas Hutchings.  
Sampson—David Dodd & Lewis Holmes.  
Tyrrell—Simon Spruill.  
Washington—  
Wayne—Richard McKinney & William Taylor.  
Wake—  
Wilkes—  
Warren—Wyatt Hawkins & Henry Montfort.  
For the Town of Salisbury—  
Hillsborough—John Taylor.  
Halifax—William R. Davie.  
Edenton—Stephen Cabarrus.  
New Bern—John Sitgreaves.  
Wilmington—

Pursuant to which the following Members appeared, were qual-

ified by taking the Oaths by Law appointed for the qualification of Members of the General Assembly and took their Seats vizt :

Richard D. Spaight,  
Abner Neale,  
Peter Roberson,  
John Hay,  
John G. Blount,  
William Wood,  
Joseph Ferebee  
Josiah Copeland,  
Lemuel Creecy,  
Edward Winslow,  
James Richardson,  
Moses Westbrooks,  
Joseph Dickson,  
Needham Bryan,  
Richard Ransom,  
William Avera,  
John Cox,  
Seathy Rew,  
John B. Ashe,  
William Randal,  
Augustine Willis,  
Daniel McKissick,  
William Hill,  
William McKenzie,  
James Vaughan,  
John Bonds,  
John Hamilton,  
John Palmer,  
William Bell,  
James Withrow,  
James McDonald,  
Zebedee Wood,  
James Holland,  
Foster Toms,

John Fulford,  
Bryan Whitfield,  
Joseph T. Rhodes,  
William Polk,  
Etheldred Philips,  
James Roberson,  
Robert Dickens,  
Enock Sawyer,  
Durham Hall,  
Peter Dauge,  
James Anderson,  
David Dodd,  
Thomas Hutchings,  
John Scott,  
Simon Spruill,  
Wm. R. Davie,  
Stephen Cabarrus,  
John Taylor,  
Lewis Holmes,  
Robert Webb,  
Richard McKinney,  
William Taylor,  
James Martin,  
John Sitgreaves,  
William Lanier,  
Daniel Yates,  
Benjamin Covington,  
Caleb Phifer,  
George Alexander,  
Barzilla Gardener,  
Adams Sanders,  
Charles Crawford,  
Edward Everagin,  
Henry Montfort.

Mr. Davie proposed for Speaker John B. Ashe, Esquire, who was unanimously chosen and conducted to the Chair accordingly.

On motion, John Hunt was appointed Clerk, and John Haywood, Assistant.

At the same time Peter Gooding and James Mulloy were appointed Doorkeepers.

On motion of Mr. Spaight, Seconded by Mr. Davie, Resolved, that the Salary of the Clerks be ascertained on Monday next.

The House Adjourned 'til Monday Morning 10 O'clock.

Monday, 20th November, 1786.

The House met according to adjournment.

Mr. Thornton Yancey and Mr. Philemon Hawkins, the members for Granville county, Mr. Thomas Reading, one of the Members for Pasquotank, Mr. Jesse Franklin, one of the Members for Wilkes, Mr. Wyatt Hawkins, one of the Members for Warren county, and Mr. Joseph Stewart, one of the Members for Chatham county, appeared, were qualified, and took their Seats.

Mr. Thomas Frohock, the Member for the Town of Salisbury, Mr. John Isler one of the Members for Jones county, and Mr. Thomas Carson, one of the Members for Rowan county, appeared, were qualified, and took their Seats.

Resolved, That the following Rules of decorum be observed during the sitting of this House, viz :

1st. That no person shall pass between the Speaker and the person speaking.

2nd. That no Member shall be allowed to speak but in his place and after rising and addressing himself to the Speaker, shall not proceed until permitted by the Speaker calling him by name.

3rd. That no person shall stand up or disturb another while he is Speaking.

4th. That no Member shall come into the House or remove from one place to another with his hat on, except those of the Quaker profession.

5th. That no Member shall speak more than twice to one question upon any debate without leave, except in a Committee of the whole House.

6th. The Speaker ought to be heard without interruption, and when he rises the Member up shall sit down.

7th. That no person shall be called on for any words of heat but on the Day on which they were spoken.



8th. Whenever the Members are equally divided, the Speaker shall determine the question, but not vote upon any other occasion.

9th. That no Member shall depart the service of the House without leave.

10. That the House shall not proceed to debate on any motion unless the same is seconded, and immediately reduced to writing, provided any Member requires the same.

11. When two or more Members are up together, the Speaker shall determine who rose first.

12. Whoever violates any of the above Rules shall receive such censure as the House shall direct.

13. Whenever the House shall be divided on a question, two tellers shall be appointed to number the members on each side.

Resolved, that Messrs. Blount, Spaight, McKinney, P. Hawkins, Polk, Davie, Winslow, Martin, and Cabarrus, be a Committee of Privileges and Elections.

A Certificate from under the hands of Robert Rogers, Samuel Williams and Anderson Smith as Inspectors of the Poll for an election held for the Court of Washington, purporting that Landon Carter and Thomas Chapman were elected to represent the said county in this House, and one other Certificate under the hand of Joseph Tipton, Robert English and William Hughes, purporting that James White and James Stewart were elected to represent the same county, were presented and read, and, on motion, referred to the Committee of Privileges and Elections.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

This House being now formed, acquaint you they are ready to proceed on public business.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

The Senate being likewise formed, are ready to proceed on the public business, and propose that a Message herewith sent you be presented to His Excellency, the Governor, should it meet your approbation, Messrs. Macon and Skinner will on the part of this House, attend and present him with the same.

At the same time received the Message above referred to, which,

being read, was agreed to by this House, and Messrs. Winslow and Cabarrus appointed to wait on His Excellency, the Governor, with the same.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

In pursuance of a Resolve of the last General Assembly, we propose balloting at four O'Clock this Evening for four Engrossing and Committee Clerks, and nominate for the appointment, Messrs. William White, Joshua Winslow, Curtis Ivey, Pleasant Henderson, Montfort Stokes, John Franks and John Simpson, should you approve of this proposition, you will please to signify the same by Message.

Received from His Excellency, the Governor, the following Message :

To the Honorable, the General Assembly of the State of North Carolina :

Gentlemen :

I have the honor to lay before you sundry files of public dispatches and papers which I have arranged under different Heads without having regard to the particular dates or humbers, but so as to have the whole of those on the same subject, in view at the same time, and so as to save you the trouble of looking over a large and confused bundle to select particular papers which others refer to, the files are on the subjects following, viz :

1. Revenue and Taxes.
2. Trade and Commerce.
3. Tobacco.
4. Indian Treaties.
5. Boundaries.
6. Public Accounts, &
7. Representation in Congress.

With each of these files you will find a list of the papers with references to the Council Journal and my Letter Book, by having recourse to these some matters which would otherwise appear ambiguous may be explained and better understood. And altho' those papers will in a great measure point out the proper subjects for Consideration, yet I think it my duty to observe that these sev-

eral matters appear to me to be of the utmost importance to this State and many of them to the Federal Union, and therefore recommend proper attention to be paid them by those whose immediate business it is to consider them.

The Tobacco purchased by our Commissioners is still on hand undisposed of lying at a considerable expence.

The Treaties entered into by Commissioners under the authority of Congress with the Indians of the Cherokee and Chickasaw Nations are so inconsistent with the Legislative Rights of this State, and such an infringement on the Constitution that I flatter myself they will not be passed over unnoticed by you. The accounts between this State and the United States still remain unsettled, you will observe by the papers relative to this business that the fault does not lye with us, as the Commissioner whilst in the State was not provided with Books, and since his going to the Northward on a representation of the case to the Commissioners of the Treasury, that Board thought proper to direct the Commissioner to repair to the place where the Comptroller's office is kept to effect the settlement of the Accounts, but this has not been hitherto attended to. The Regular representation of the States in Congress so often repeated, and the reasons so frequently assigned in the Resolutions of that Honorable Body evince the propriety and necessity of the same, the several Letters from the Gentlemen who have represented this State in the course of the last year show the inadequate provision heretofore made for them, which seems to have been the cause of our being so long unrepresented in that period. I therefore take the Liberty of recommending some mode nearly similar to that I had the Honor of laying before the last Assembly, to wit, the appointment of a person who shall obtain Drafts on the Treasury to the amount of the sum necessary to support the Delegation, and whose business it should be to purchase and remit to the place where Congress shall sit produce sufficient to raise the sum required, this, in my opinion, would be a means of removing the disagreeable idea of Gentlemen appointed to serve their Country at a distance from their Friends and connections being liable to distress & want, as there then would be a moral certainty of their Salaries being duly paid. At this time we are, I presume represented only by Messrs. Nash and Blount, as I have understood Mr. Bloodworth is returned to this State, and Mr. Burton whose Tour, according to

former usage should have begun the first of the year is not gone forward, and Mr. Charles Johnston who was next in rotation having resigned, it may be necessary in order to keep up a full representation to supply his place by a new choice.

The frequent and repeated observations of individuals and the Clamour of the people at large respecting the Conduct of the Commissioners for liquidating the Army accounts, and their suggestions of many fraudulent accounts being passed, induced me to state the matter to the Council who advised that the Treasurer should be directed to stop the payment of any Certificates Granted on Accounts passed by that Board since the sitting of the last Assembly, and also advised me to direct the Commissioners to transmit to the present Assembly all such accounts and Vouchers as were lodged in their office since that period. This advice I have pursued, and I flatter myself these officers have and will comply therewith tho' report says the Treasurer has not attended to it, and Clamour of the people have since been greater than before, and some illiberal suggestions have been thrown out against several of your principal officers. It is therefore, in my Judgement necessary to satisfy the people, who in a free Government like ours consider themselves as having a right to expect it in such cases by you, Gentlemen, who are the Guardians of their rights, entering into a minute inquiry of the Conduct of their officers as well as the justice of the Claims which have been allowed, and if on an investigation of the Facts any of the officers shall be found to have acted unworthily, or those who have exhibited accounts have obtained Certificates or received money from the Treasury unjustly, you will hold up the first as proper objects of the resentment of the Public, and direct the latter to be prosecuted so as the public may obtain that justice they are entitled to.

I also lay before the Council a Letter from the Treasurer informing me that the Agent of the late Continental line of this State had refused to deliver him the final settlement Certificates signed by Mr. Pierce agreeable to a Resolve of the late Assembly, suggesting that he was not amenable to that Body. The Council advised me to take the most speedy and effectual measures for compelling the Agent to deliver such certificates agreeable to the Resolution of the Assembly, the only measure in my power was pursued, a written order was forwarded to the Agent to lodge the Certificates in the

Treasury, and this not only under the Authority of the General Assembly, but also in virtue of a Resolution of Congress directing that such Certificates should be deposited as the Supreme executive should direct, but such orders have not produced the effect required for the reasons you will find expressed in Mr. Fenner's address to the Governor and Council, you will therefore be pleased to take such further order thereon as to you shall appear just and right.

I lay before you a Letter from His Excellency Governor Henry, with a Copy of the proceedings of the Assembly of the Commonwealth of Virginia on the subject of opening a Navigable Canal from Elizabeth River in that Commonwealth to Pasquotank River in this State, and notwithstanding the specious manner in which advantages are held out to the Inhabitants of this State by such proceedings, yet I beg leave to recommend due attention to be paid to the subject matter therein contained. It appears to me that if such a plan is adopted, our neighbors will not only be carriers of our produce, but will also have the Credit and advantage of exporting the same which must have a tendency to lessen our Credit abroad and our Interest at home.

I also lay before you a Letter from his Excellency Governor Moultrie, of South Carolina, acquainting me that Mr. Thomas Hooper, whose Estate, in this State, is subject to be sold under the Confiscation Laws, has been received as a Citizen of that State, and entitled to all the privileges thereof, and requesting that I would direct the Commissioner not to proceed on the Sale of his Estate. I think it necessary upon all occasions to pay the utmost respect to the requisitions of our Sister States where the same may be done with consistency, but in this instance not conceiving myself authorized to grant the request, I take the liberty of referring the same to your consideration.

I have in pursuance of the advice of the Council suspended the Execution of a Sentence of the Superior Court of the District of Wilmington against Doct. Daniel McNiel so far as relates to his Banishment from this State until the meeting of the present General Assembly, if you shall think proper to take the Doctor's case into Consideration the papers relating thereto shall be laid before you.

RD. CASWELL.

Fayetteville, Nov. 20, 1786.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that a Committee of Finance be appointed to examine and report the state and Nett produce of our revenues, and the amount and nature of the Public Debts who shall extend their enquiries into the present state of the Treasury, the application of the Monies levied and collected in and for the years 1784, 1785 and 1786, and the use and application of the last hundred Thousand pounds Emitted by this State. That they be authorized to call on His Excellency, the Governor, the Treasurer, the Comptroller General, the Commissioners of Army Accounts, the Commissioners for purchasing Tobacco to discharge the Interest of the Foreign Debt, Commissioners of Confiscation, the Commissioners for Superintending the press of the two last Emissions and all officers concerned in receiving appropriating and accounting for the Public Monies or other persons and papers they may deem necessary to such investigation. That they Report from time to time and as soon as possible on such Matters concerning the public Monies or revenues as may stand in need of immediate amendment or alteration, and also make up an Estimate of the expences of the foreign and incidental charges of the ensuing year, and that before the end of this Session, or as soon as possible they form a full settlement of the Debts, funds and revenues of the State, which shall be printed and bound up with the Laws Enacted this Session, and that they be authorized to require the assistance of the Comptroller if deemed necessary, in forming such statement.

We have appointed for this purpose on our part, Messrs. Davie, Blount, Polk, Spaight, Winslow, Sitgreaves, and Hay. We also send you herewith a Message received from His Excellency, the Governor, together with the papers therein referred to, which, so far as they relate to Taxes, the Revenue and the Tobacco lately purchased we propose referring to the Committee, the other papers we propose committing to the consideration of Messrs. Hamilton, Neale, Hawkins, Holland, Cabarrus, Davie, Hay, Sitgreaves, Robertson, Spaight, Polk, and Willis, together with such Gentlemen as you may think proper to appoint for that purpose. We also propose that the Committee on Finance call upon the Entry Taker of the Western Lands for all Monies received by Virtue of his office.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

It is the opinion of the Senate that two Clerks only to Transact the business out of Doors should be appointed. We agree to Ballot at the time by you proposed, and add to your nomination Mr. Jos. Dixon. We propose that this balloting be conducted at the House lately erected by Mr. Hogg, in this Town, should you agree to ballot on these Terms, Messrs. Macon and Skinner, will on the part of this House, superintend the same.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

This House have received and considered the Message of yours proposing that the number of Clerks to be appointed by joint ballot for the purpose of Engrossing, &c, should not exceed two, with which they do not agree, but propose that the number should be four agreeable to our former Message, being convinced that there will be business to employ them. We agree to ballot at the place by you proposed, and add Mr. Joseph Dixon to the nomination for a Clerk.

Received from the Senate sundry petitions from Washington, Sullivan and Greene counties.

Ordered that they lie on the Table until To-morrow.

On motion, Resolved, that Mr. Cox have leave to absent himself from the service of this House until Friday next.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

From a belief that two Clerks are equal to the whole of the Engrossing and Committee business this House cannot agree that a greater number be appointed.

The House adjourned 'til To-morrow Morning 10 O'clock.

Tuesday, November 21, 1786.

The House met according to adjournment.

Mr. James Hinton, one of the members for Wake County, and Mr. Richard Pearson, one of the Members for Rowan County, appeared, were qualified and took their Seats.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have on our part appointed Messrs. Dodd, Dickson, Dickens, Martin, P. Roberson, Phifer, D. Hall, J. Roberson, Creecy, Neale and Frohock a Committee of Claims who will act jointly with such of your Body as you may appoint for that purpose.

Ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose to ballot for three Clerks to do the business of Engrossing, &c., and hope that the Senate will think that fewer cannot do the business without prolonging the Session. Should you agree to this proposition, the Commons will further agree to ballot before an adjournment.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have appointed Messrs. Richardson, McKissick, Holmes, Taylor, McDaniel, Withrow, Fulford, Wyatt, Hawkins and Gardner to act with such Gentlemen as you may appoint as a Committee of Propositions and Grievances.

Received from the Senate the following messages :

Mr. Speaker and gentlemen :

We consent that three Clerks to do the business of Engrossing, &c., be appointed and agree that they be balloted for as by you proposed.

Mr. Speaker and Gentlemen :

The Senate appoint Messrs. McCulloch, Clinton, Harget, General Rutherford and Mr. Gowdy to act with the Gentlemen by you appointed a Committee of Claims.

Mr. Speaker and Gentlemen :

We agree that a Committee of Finances be appointed for the several purposes and with the like powers as by you expressed, and appoint for that purpose on the part of this House Messrs. Ramsey, Harget, Battle, Brown, Stokes and Gregory. We likewise appoint Messrs. Gillespie, Macon, Clinton, General Rutherford, Messrs. McCawley, Mayo and Simpson, who will act with the Gentlemen by



you nominated to consider of and report on such part of the Message from His Excellency the Governor, and the papers accompanying it which do not relate to Taxes, and Revenues on the Tobacco lately purchased for the use of the State. It is also agreed by this House that the Committee on Finance call on the Entry Taker of the Western Lands as by you proposed.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose balloting for the Engrossing and Committee Clerks immediately. If this proposal meets your approbation you will please to signify the same by Message. Mr. Durham Hall and Mr. Frohock are appointed on the part of this House to superintend the balloting.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

We agree that the Engrossing and Committee Clerks be immediately ballotted for, and have on our part appointed Mr. Macon and Mr. McCulloch to superintend the balloting.

Mr. Frohock from the joint Balloting for three Engrossing and Committee Clerks Reported, that by a Majority of the votes of the Senate and Commons, Curtis Ivey, Montfort Stokes and Pleasant Henderson were elected.

The House taking the said Report into consideration concurred therewith.

Mr. Joseph Bryan, one of the members for Martin County ; Mr. John Humphries, one of the members for Currituck County ; Mr. John Sloan, one of the members for Lincoln County ; Mr. Francis Pugh, one of the members for Bertie County ; Mr. John Humphries, one of the members for Wake County, and Mr. Joseph McDowall and Mr. David Vance, the members for Burke County, appeared, were qualified and took their Seats.

The House adjourned 'til To-morrow Morning 10 O'clock.

Wednesday, 22 November, 1786.

The House met according to adjournment.

Mr. James Martin, from the Committee of Privileges and Elections to whom were referred the returns for Members to represent the County of Washington in this House, delivered in a Report which being read was ordered to lie on the Table until To-morrow.

Mr. Davie presented a Letter from Nicholas Long, Esquire, Commissioner of Confiscation in the District of Halifax, resigning his appointment as Commissioner aforesaid.

Resolved, That this House do accept of the same.

Mr. Cabarrus presented the Petition of Samuel Johnston, Nathaniel Allen and James Iredell, Esquires, Executors of the last Will & Testament of Joseph Hewes, Esqr., Deceased, which, being read, was referred to a joint Committee. The Members appointed on the part of this House are Messrs. Cabarrus, Phifer, Dauge and Creecy.

Mr. Davie presented the representation of John Macon, Esquire, in behalf of Negro Cæsar, which, being read, was referred to a Special Committee. The Members appointed on the part of this House are Messrs. Polk, Sitgreaves and Davie.

Mr. Cabarrus presented the Record of the Trial and Judgment of a Court of a Negro, the property of James Blount, which, being read, was referred to the Committee of Claims.

Ordered that Mr. Rew have leave to absent himself from the service of this House during the Session.

Mr. Neale, presented the Memorial of Samuel Pitman, which, being read, was referred to the Committee of Propositions and Grievances.

Mr. Dickens moved for leave and presented a Bill for settling the Titles and Bounds of Lands, which was read for the first reading, passed & sent to the Senate.

Mr. Archibald McLaine, the member for the Town of Wilmington, appeared, was qualified & took his Seat.

Received from His Excellency the Governor, the following Message :

To the Honorable the General Assembly :

Gentlemen :

By a letter herewith laid before you from the Honorable William Blount, you will be informed that the Treasury Board had, at the time of writing the same no prospect of disposing of our public Tobacco to greater advantage than those held out in the proposal of Mr. Morris & Mr. Romaine, the letter mentioned by the Commissioners to Mr. Blount is not come to hand.

By other Letters which I have the honor also to lay before you, you will observe that Mr. Edward Dowse is inclined to purchase

the Tobacco and is recommended by the Treasury Board to the Governor and Council for that purpose. Mr. Dowse is now in this Town and wishes that some person may be appointed to treat with him upon the subject, and in case of an agreement such person may be empowered to enter into a Contract with him for the delivery of the Tobacco.

The other part of Mr. Blount's Letter respecting the Delegation, I presume will be an inducement to the Legislature to proceed early to the choice of a Delegate instead of Mr. Johnston, or to direct one or other of the Gentlemen formerly chosen to proceed immediately to Congress.

R. CASWELL.

Fayetteville, 22nd Nov., 1786.

Ordered that the above Message, together with the papers therein referred to, be referred to the Committee of Finance.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have added Messrs. P. Hawkins, McLaine, Cabarrus and McKenzie to the Committee on Finance. We have also added Mr. MacLaine and Mr. McKenzie to the Grand Committee.

Mr. Cabarrus presented the Petition of Josiah Collins, Nathaniel Allen and Samuel Dickenson, praying, &c., which, being read, Mr. Cabarrus moved for leave and presented a Bill for enabling certain persons to perfect a Canal between Scuppernong River and the Lake near its head, which, being read the first time, passed and was sent to the Senate.

Received from the Senate a Resolve of that House allowing Adlai Osborn the sum of Twenty-five pounds, which, being read, was concurred with.

Mr. Sitgreaves presented the Petition of Winston Caswell and William White, Executors to the last Will and Testament of William Caswell, Deceased, praying, &c., which, being read, was referred to the Committee of Claims.

Mr. Sitgreaves presented the Petition of Mrs. Margaret Gaston, which, being read, was referred to the Committee appointed to consider on the Petition of Mr. John Macon.

Mr. Sitgreaves presented the Petition of Matthew Mosely, which, being read, was referred to the Committee of Claims.

Mr. McDowall presented a Copy of the Judgment and Sentence of the Superior Court of Morgan District against Thomas Jones and John Lynch, &c., which, being read, was referred to the Committee of Claims.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

The Senate appoint Messrs. Medlock, Lewis, McCawley, Alexander, Eaton, Moore and John Armstrong to act with the Gentlemen by you chosen a Committee of Propositions and Grievances.

Received from the Senate the Memorial of George McNeil. Endorsed in Senate "read and referred to the Committee of Propositions and Grievances," which, being read, was referred as by the Senate.

Mr. McDowall presented the presentment of the Grand Jury of Morgan District, which, being read, was referred to the Grand Committee.

Received from the Senate the Memorial of Memucan Hunt, Public Treasurer. Endorsed in Senate "read and referred to the Committee of Finance," which, being read, was referred as by the Senate.

Received from the Senate the Petition of Sundry People complaining of the abuse committed by large sums of Money being unjustly drawn out of the Public Treasury. Endorsed, "read and referred to the Committee of Propositions and Grievances," which, being read, was referred by this House to the Committee of Finance, and the following Message ordered to be sent to the Senate.

Mr. Speaker & Gentlemen :

We cannot concur with you that the representation of certain Inhabitants of this State relative to the misapplication of the bills of Credit lately emitted should be referred to the Committee of Propositions and Grievances, but propose that the same be referred to the Committee of Finance, as all matters relative to that business are properly the subjects of their consideration.

The House adjourned 'til To-morrow Morning 10 O'clock.

Thursday, 23rd November, 1786.

The House met according to adjournment.

Mr. Reading Blount and Mr. Robert Williams the Members for Pitt County appeared, were qualified and took their Seats.

Mr. William Wood presented the claim of Morgan Brown, which,

being read, was referred to the Committee of Propositions and Grievances.

Mr. Wood presented the claim of William Boggin, which, being read, was referred to the Committee of Propositions and Grievances.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that a Committee consisting of Members from both Houses be appointed to take under consideration Petitions, Memorials, &c., and for that purpose we have appointed Messrs. J. Taylor, McDowall, Anderson, Hinton, Reading Blount, Yancey, Copeland, Pearson, Stewart, Bonds and Pugh.

Mr. P. Hawkins presented the Memorial of Pleasant Henderson, which, being read, was referred to the Committee appointed on Petitions and Memorials.

Mr. Davie moved for leave and presented a Bill for the better regulation of the Town of Halifax and extending the liberties thereof, which was read the first time, passed and sent to the Senate.

Mr. Ferebee moved for leave and presented a Bill for cutting a Canal from Currituck sound to the Indian Ridge and from thence to the head of North River, or as far as the Commissioners herein named shall think proper, which was read the first time, passed and sent to the Senate.

Mr. Polk presented the petition of the Inhabitants of Davidson county, which, being read, was referred to the Grand Committee on the State Papers, &c.

Mr. Peter Roberson presented the recommendation of Bladen Court in favor of Sarah Surgener, which being read, was ordered to lie on the Table.

Mr. Holland presented the petition of William Price, which, being read, was referred to Committee on Propositions & Grievances.

Ordered that Mr. Crawford have leave of absence till Monday next.

Received from the Senate the following Bills :

A Bill for enabling certain persons to perfect a Canal between Scuppernong River and the Lake near its head.

A Bill for settling the Titles and bounds of Lands. Endorsed in Senate, "read the first time and passed."

Received from the Senate the representation of Mr. John Macon

in behalf of Negro Cæzar. Endorsed in Senate, "read and referred to Mr. Macon and Mr. Alston."

Received also the petition of the Executors of Joseph Hughes, Esquire, deceased. Endorsed in Senate, "read and referred to Mr. Jordan and Genl. Gregory."

Received from the Senate the petition of Samuel Pittman and the Record of the Tryal of a Negro, the property of James Blount. Endorsed in Senate, "read and referred as by the Commons." Received also the resignation of Nicholas Long, Esquire, as Commissioner of Confiscation for the District of Halifax. Endorsed in Senate, "read and accepted."

Mr. Franklin presented the petition of the officers of Wilkes county, which, being read, was referred to a joint Committee. The Members appointed on the part of this House for that purpose are Messrs. Hamilton, McDowall, Vance, Withrow & Martin.

The House resumed the consideration of the report of the Committee of privileges and Elections on the Washington Elections, which report is in the words following :

Your Committee to whom were referred the returns from the county of Washington, one of which signed Joseph Tipton, Robert English and William Hughes, certified that Richard White and James Stewart, Esquires, were duly Elected to represent the said county in the House of Commons in the present Session of the General Assembly. It appeared to your Committee that the then acting Sheriff in the county of Washington, had been called upon by Col. John Tipton, to advertise the Election, and hold the poll, and that he had refused so to do, that in consequence thereof, the said Joseph Tipton, Robert English and William Hughes, were appointed Inspectors to take the said Poll, agreeable to an act of Assembly passed at the last Session intituled "an Act to empower the "Freeholders, and Freemen of the counties of Washington, Sullivan "and Greene, to return their representative, otherwise than is here- "tofore directed," and that the said Election was held on the eighteenth day of August, 1786, at the House of John Rennos, where Charles Roberson formerly lived, and where the Court of that county had been formerly held under an Act intituled "an Act for erecting the District of Washington into a county by the name of Washington, passed in November, one Thousand Seven hundred and Seventy-Seven, that the Court had for some years past been adjourned

to another place, and was at present held in a House said to be the property of William Cocke, and it was admitted that there were no public Buildings deemed the Court House of the said county.

It appeared to your Committee that measures were taken by some persons to embarrass the said Election as will appear by an advertisement Signed William Cocke, and marked No. 1, to which your Committee beg leave to refer. It was also in evidence by certain affidavits produced to your Committee that various threats and means were used to prevent any Election taking place contained in the paper marked No. 2, to which your Committee beg leave also to refer this Honorable House, which depositions were corroborated by the relation of Col. John Tipton and Thomas Hutchings, Esquires.

It further appeared to your Committee by a return signed Robt. Rogers, Samuel Williams and Anderson Smith, that the said Robt. Rogers, Samuel Williams and Anderson Smith, were appointed Inspectors to Superintend an Election held for the same county of Washington, at a place called the Court House, in Jonesborough, on the third Friday and Saturday in August last, to choose Members to represent the said county in the General Assembly of the State of North Carolina, and the said Inspectors have therein certified that Landon Carter and Thomas Chapman were unanimously Elected to represent the said county in the House of Commons.

It also further appeared to your Committee from the relation of Col. John Tipton that the Inhabitants were warned to meet at the last mentioned Election by the acting Military officer of said county at a General Muster under certain penalty. It was in evidence to your Committee from a certified return of the Polls that the electors in the first mentioned Election amounted to one hundred and Seventy-nine, that the Electors in the second mentioned Election amounted to two hundred and fifty four. Your Committee had reason to believe that many persons were deterred from attending the said Elections from the above mentioned threats, and the unhappy confusion of that part of the country.

It did not appear to your Committee that any violence or disorder took place at either of the above Elections, or that they were not both conducted in an orderly peaceable manner. And your Committee have thought it most proper in order to save time to

state the facts to this Honorable House for their determination thereon.

This Report being read, it was moved and Seconded and so Resolved by the House unanimously, that the first persons mentioned in the Report to have been returned were legally Elected, and that they should be admitted to their Seats accordingly.

Whereupon the said Richard White and James Stewart, Esquires, appeared, were qualified, and took their seats.

On motion of Mr. McLaine, on behalf of Thomas Wright, Sheriff of New Hanover county, ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the Committee of Finance be directed to consider of and report whether or not it was the intention of the act "directing a Tax of one shilling and Six pence on each Taxable poll, &c., to be collected for the current year on the foundation of an Act passed in the year 1784, imposing what is commonly called "the Continental Tax," that the same should be collected wholly in money or partly in money and partly in certificates as allowed of in the case of the General public Tax of this State.

The House adjourned till To-morrow Morning 9 O'clock.

Friday, 24th November, 1786.

The House met according to adjournment.

Mr. Seth Eason, one of the Members for Gates county, appeared, was qualified and took his seat.

Received from the Senate the following Messages.

Mr. Speaker and Gentlemen :

General McDowall, Messrs. Lewis, Mayo, Moore, Griffin, Stone, Tipton and Thomas Armstrong, will on the part of this House, act with the Gentlemen by you appointed to consider of and Report on such Petitions, Memorials, &c., as may be laid before this Assembly.

Mr. Speaker & Gentlemen :

We consent that the representation of certain Inhabitants of this State relative to the misapplication of the Bills of credit lately emitted, be referred to the consideration of the Committee of Finance as by you proposed.

Received from the Senate the Representation and Petition of



James Holland. Endorsed in Senate, "read and referred to the Committee of Propositions & Grievances," which, being read, was referred as by the Senate.

Mr. Bond presented the Memorial of William Armstrong, which, being read, was referred to the Committee on Petitions and Memorials.

The Bill for enabling certain persons to perfect a Canal between Scuppernong River and the Lake near its head, was read the second time, amended, passed, and sent to the Senate.

Ordered that Mr. Joseph Bryan have leave to absent himself from the service of this House during the Session.

The Bill for settling the Titles and bounds of Lands, was read the Second time and rejected.

Received from the Senate the Bill for cutting a Canal from Currituck Sound to the Indian ridge, and from thence to the head of North River, or as far as the Commissioners herein named shall think proper. Endorsed in Senate, "read the first time and passed."

Ordered that this Bill be read the second time in this House, the same was accordingly read the second time, amended, passed, and sent to the Senate.

Received from the Senate the petition of the Inhabitants of Davidson county.

The Letter from Mr. Duer to General Howe.

The Memorial of Mrs. Margaret Gaston.

The Presentment of the Grand Jury of Morgan District.

The petition of Matthew Mosely.

The petition of the Executors of William Caswell, deceased.

The Copy of the Judgment & Sentence of the Superior Court of Morgan District against Thomas Jones & John Lynch. Severally endorsed in Senate, "read and referred as by the House of Commons."

Mr. Bond presented the Memorial of John Allen & Richard Nixon, complaining of an undue Election in the county of Craven for Members to represent the same in this House praying relief, which, being read, was referred to the Committee of Privileges & Elections.

Mr. McDowall presented the petition of William Moore, late Sheriff of the county of Burke, &c., which, being read, was referred to the Committee on Petitions and Memorials.

Received from the Senate the Bill for the better regulation of the

town of Halifax & extending the liberties thereof. Endorsed in Senate, "read the first time and passed."

Ordered that this Bill be read the second time in this House, the same was accordingly read the Second time, amended, passed & sent to the Senate.

Mr. Stewart presented the petition of William Graves and Elijah Hunter, which, being read, on motion of Mr. Hay seconded by Mr. Sitgreaves,

Resolved, that the same be referred to the Grand Committee, who are specially instructed to enquire into the present modes of Administering the Laws of the State and report thereon.

Mr. Vaughan presented the petition of a number of People praying to have a Law passed for establishing a town on the Lands of Matthew Figures, &c., which being read, Mr. Vaughan moved for leave, and presented a Bill agreeable to the prayer of the said petition, which was read the first time, passed & sent to the Senate.

On reading the Memorial of William Aldredge, Resolved that the Comptroller be and he is hereby directed to issue to the said William Aldredge two Specie Certificates, viz: one in the name of Jesse Smith for the sum of Sixty-Eight pounds, and the other in the name of Charles Brittingham for the sum of Fifty-Six pounds nineteen shillings and two pence, it appearing to this House that Certificates in the names of the above mentioned persons, & for the sums above expressed were destroyed by fire.

Received from His Excellency, the Governor, the following Message :

To the Honorable, the General Assembly :

Gentlemen :

In pursuance of a Resolution of Congress calling upon the several States in the Union to furnish thirteen Copies of the Laws passed in the respective States since the year 1772, one Copy of which was directed to be forwarded to each State for the use and information of the States respectively, I have received the several Copies of the Laws now laid before you, that is to say,

Sundry Pamphlets containing Laws of Massachusetts from April 1781 to July 1785.

A Bound Book of the Laws passed in New Jersey.

Four Pamphlets of Ditto.

A Bound Book & 3 Pamphlets of the Laws of Pennsylvania.

A Bound Book and four Pamphlets containing Laws of Virginia. Three Pamphlets of the Laws of South Carolina, passed in 1782, 1783 & 1785.

I should have been happy if it had been in my power to have complied with the resolution of Congress in this particular, so far as relates to this State, but it is impossible to procure Copies of the Laws so far back as required, many of the Laws being out of print and others printed on different sizes of Paper make it impracticable to have them bound, I therefore again submit to the General Assembly the propriety of a Revision of the Laws of the State.

R. CASWELL.

Fayetteville, Nov. 24th, 1786.

Ordered that the above Message be referred to the Grand Committee.

Received from the Senate the Memorial of William Armstrong, the Memorial of Pleasant Henderson, the claim of Morgan Brown, the petition of the officers of Wilkes county, the Claim of William Boggin, severally endorsed in Senate, "read and referred as by the Commons."

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

The Senate agree that the Committee of Finance report on that which is commonly called the Continental Tax as by you proposed.

Received from the Senate the petition of John Justice. Endorsed in Senate, "read and referred to the Committee on Memorials," which, being read, was referred as by the Senate.

Mr. P. Hawkins moved for leave and presented a Bill for establishing a town on the Land of Robert Burton, Esquire, in Granville, which was read the first time, passed, and sent to the Senate.

Received from the Senate a Resolve of that House directing Henry Montfort, Esquire, to send for the Books and Papers belonging to the Commissioner's office for settling Army acco'ts, &c., which being read, was concurred with.

Ordered that Mr. Peter Roberson have leave to absent himself from the service of this House until Monday next.

Received from the Senate the petition of William Graves and Elijah Hunter, and the petition of William Moore, Sheriff. Endorsed in Senate, "read and referred as by the House of Commons."

Received from the Senate the Bill erecting a town on the Lands of Matthew Figures in Northampton county, on the Southside of Meherrin River. Endorsed in Senate, "read the first time and passed."

Received also the Bill for the better regulation of the town of Halifax and extending the liberties thereof.

Ordered that this Bill be engrossed and brought into this House for third reading thereof.

Received from the Senate the petition of James Blair and others, praying to be released from a Judgment given on a forfeited recognizance and a Resolve for that purpose, whereupon Resolved, that this House do not concur with the said Resolve, and that the petition be referred to the Grand Committee.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

This House cannot concur with the Resolve of the Senate on the petition of James Blair and others, but propose that the petition on which that Resolve was founded be referred to the Grand Committee.

The House adjourned 'til To-morrow Morning 10 O'clock.

Saturday 25th November, 1786.

The House met according to adjournment.

Mr. John Eborn, one of the members for Hyde county, and Mr. John Brown one of the members for Wilkes county, appeared, were qualified and took their Seats.

Received from the Senate a Resolve of that House requiring Jno. Craven to attend this present Assembly for the purpose therein expressed, and directing Capt. John White to furnish him with a Copy thereof, which, being read, was concurred with.

Ordered that the following Message be sent to His Excellency, the Governor :

To His Excellency, Richard Caswell, Esquire, Governor, &c. :

SIR :

The General Assembly have convened in order to receive information touching certain abuses Committed in the Settlement of Army Acco'ts which it is suggested Your Excellency had to lay before them.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

The Message herewith sent you addressed to His Excellency, the Governor, we propose to be presented him if it meets your concurrence, we have appointed Messrs. Winslow and Hawkins to attend and present the same.

On motion of Mr. Hay, seconded by Mr. Sitgreaves, ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that a conference of both Houses be immediately had in the room where the House of Commons sit on the Subject of the abuses suggested to have been committed on the Treasury.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

With this you will receive a Message addressed to His Excellency the Governor, which by this House is proposed to be presented him instead of that sent us from your Body on the same head and of this Date, should it meet your approbation, Messrs. Lewis and McCawley will on the part of the Senate attend & present him with the same.

At the same time received the address above referred to which being read, the following was proposed in lieu thereof.

To His Excellency, Richard Caswell, Esquire, Governor, Captain General, &c. :

SIR :

The General Assembly are now sitting and request your Excellency to favor them with such further information as you may be possessed of relative to persons who have lodged forged, fraudulent Accounts and Vouchers in the office of the Commissioners of Army Accounts, and the procuring of Certificates and due Bills thereon.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

The Honorable, the Speakers & Members of both Houses, assembled in conference and appointed Richard Dobbs Spaight, Esquire, Chairman. The business of the Conference being opened by Mr. Hay, after some time spent in debate, they determined that the following

Resolutions should be proposed to both Houses for their Concurrence, viz :

It having appeared to both Houses by certain depositions and other information, that John Price, William Faircloth, John McNeace, Thomas Butcher, Benjamin Shepperd, Timothy McKarty, Simeon Toatvine, Thomas Price, Reddick Price, William Andrews, of Nawhuncy Creek, John Faircloth, Sherrod Barrow, Nathan Lasseter, Jesse Lasseter, John Shepperd, James Holmes, of Dobbs, William Sanders, jun., Thomas Donnaho, Tillman Dixon, Wynne Dixon, and Charles Dixon, of Caswell county, John Marshall formerly of Warren county and Arthur Pearce, jun., of Johnston county, Philip Fishburn, of Salisbury, and sundry other persons, Citizens in this State, have embezzled the public property and been guilty of many fraudulent practices in procuring accounts to be passed by the Commissioners for liquidating Army Accounts, and in passing the same, and thereby obtaining Certificates and drawing Monies from the Public Treasury to the great injury of individuals, and to the manifest fraud of the State, to the end therefore that those persons and estates may be secured to answer and to be liable to public justice ;

Resolved, That His Excellency the Governor be and he is hereby authorized and empowered immediately to issue a Warrant or warrants directed to the Sheriffs of the Counties wherein the said persons or any of them reside or may be found, or to such other person or persons as he may deem proper, directing them to take the Bodies of the said persons and every one of them without delay, and bring them before him at Fayetteville ; and he is hereby authorized to commit them to close confinement, there to remain until released by due course of Law, unless they enter into recognizance with sufficient Sureties before him, to be and appear at the present General Assembly from Day to Day, and not to depart without leave or to remove, conceal or alien their Estates, real or personal, or any part thereof, and that they also deliver on Oath at the same time an Inventory or Inventories of all their Estates, real and personal, which they had or possessed on the first day of May last, or at any time since ; and, whereas, such persons may refuse to enter into such recognizance, and the purposes of this Resolutions be defeated ;

Resolved, further, That on such refusal, all their Estates, real and personal, be sequestered as a security for the public, and held

and deemed liable to such judgment, Sentence or decree as may be had in the premises ; and His Excellency the Governor is hereby authorized to give orders to the Sheriffs of the respective Counties or other persons to take possession of the same accordingly.

Resolved, also, That the Governor have power to draw on the Treasury for such Sums as may be necessary to defray the expenses attending the execution of this business, and that he issue citations for the several persons whose names are hereto annexed to attend this General Assembly as Witnesses against the persons accused, and that these resolutions be carried into execution with speed and effect :

John Roe of Nash.

Nathan Cobb, Wayne.

Hardy Robeson, do.

Willis Pipkin, do.

Mann Phillips, Dobbs.

William Phelps, do.

Thomas Jordan, Sampson.

Thomas Gray, Duplin.

Benjamin Exum, Dobbs.

John Brown, do.

Silas Holliman.

Willoboy Williams, Dobbs.

Dixon Marshall, Warren.

William Wrenfrow, Wayne.

Moses Holmes, Dobbs.

John Morgan, Nash.

John Smith, Northampton.

Benjamin McCulloch.

Henry Montfort.

John Macon

William Sheppard, Dobbs.

James Glasgow, Esq., do.

Abram Sheppard, Jun.

Abram Sheppard, Sen.

Silas Holloway, Wayne.

William Williams, do.

David Dodd, Sampson.

John Stansil, Sen., Johnston.

Resolved, also, That the Commissioners of Army accounts furnish His Excellency the Governor with the names of all officers who have signed Army accounts, and that His Excellency issue a Proclamation requiring all such to be and appear before this General Assembly immediately.

Resolved, That this House do concur with the foregoing Resolutions.

Received from the Senate a Bill for establishing a Town on the Land of Robert Burton, Esquire, in the County of Granville; and a Bill erecting a Town on the Lands of Matthew Figures in Northampton County on the South side of Meherrin River. Endorsed in Senate, "read the first time and passed."

Received from the Senate the Resolutions entered into in conference, &c. Endorsed in Senate, "read and concurred with."

The House adjourned till Monday morning 9 O'clock.

Monday, 27th November, 1786.

The House met according to adjournment.

Ordered that Mr. Vaughan have leave to absent himself from the service of this House.

On motion of Col. Davie, Resolved, That the rules adopted by this House for reading and passing Bills so far it directs that Bills after the second reading shall be Engrossed and then introduced for the third and last reading, and to be passed without any alteration, or rejected, shall be rescinded.

Col. Davie laid before the House the acco't of John Whitaker as Commissioner for purchasing Tobacco in the District of Halifax.

Ordered that the same be referred to the Committee of Finance.

Mr. William Hooper, one of the Members for Orange County, and Mr. Reuben Grant, one of the Members for Onslow County, appeared, were qualified and took their Seats.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We agree that the Petition of James Blair and others now before the Assembly be referred to the Grand Committee, as by you proposed.

Received from the Senate the resignation of Samuel High as a Justice of the Peace for Franklin County.

The resignation of Joseph Williams as a Justice of the Peace for Nash County.



The resignation of Thomas Ward as a Justice of the Peace for Bertie County.

The resignation of Reuben Norfleet as a Justice of the Peace for Bertie County.

Severally endorsed in Senate, "read and accepted ;" which, being read, were accepted by this House.

Received from the Senate the Resolve of this House directing the Comptroller to issue certain Certificates to William Aldredge. Endorsed in Senate, "read and concurred with."

Received from the Senate the Memorial of George Doherty. Endorsed in Senate, "read and referred to the Committee on Memorials and Petitions;" which, being read, was referred as by the Senate.

Mr. William T. Lewis, one of the Members for Wilkes County, appeared, was qualified and took his seat.

Received from the Senate the Report of the Committee on the Petition of Sundry Inhabitants of Wilkes County. Endorsed in Senate, "read and concurred with;" which being read, was concurred with by this House.

Mr. Frohock moved for leave and presented a Bill to amend an Act entitled "an Act for the regulation of the Town of Salisbury in the County of Rowan," which was read the first time, passed and sent to the Senate.

Ordered that Mr. Hooper and Mr. Blount be added to the Grand Committee and Mr. Hooper to the Committee of Finance.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have added Mr. Hooper and Mr. J. G. Blount to the Grand Committee and Mr. Hooper to the Committee of Finance.

Mr. Hall presented the Petition of Thomas Hall and Bromfield Ridley, Administrators on the Estate of Thomas Bell, deceased, which being read, was referred to a joint Committee, and Messrs. Hooper, Hall and Lewis appointed on the part of this House for that purpose.

Received from the Senate a Bill to empower the overseers of the Poor in the County of Granville to sell the Glebe in the said County. Endorsed in Senate, "read the first time and passed."

Mr. Dickens, from the Committee of Claims, delivered in the following Report, viz :

The Committee of Claims wishes to know of the General Assem-

bly whether they would be justifiable in allowing such Claims as ought to have been adjusted by the State Boards of Auditors, as many of that nature have been laid before them, which by the last Act of Assembly they do not conceive themselves at liberty to allow without first having the sanction of the Legislature.

ROBT. DICKENS, Ch.

The House, taking this Report into consideration, Resolved, That the Committee of Claims be directed not to pass any acco'ts that might have been liquidated by the late boards of Auditors.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

This House have Resolved that they will go into a Committee of the whole for the purpose of considering what Bills of a General and public nature are necessary to be prepared and introduced by the Grand Committee, in order to be passed into Laws at the present Session.

Received from His Excellency the Governor the following Message :

To the Honorable the General Assembly :

Gentlemen :

I beg leave to refer to your consideration the Petitions of Donald Shaw and Alexander McIver and others, to take such orders on them as you shall think proper.

R. CASWELL.

Fayetteville, 26 Nov., 1786.

At the same time, received the Petitions above referred to, which being read, were referred to the Grand Committee.

Mr. Stewart presented the Petition of a number of the Inhabitants of Chatham County, praying, &c., which being read,

Mr. Stewart moved for leave and presented a Bill for establishing a Town on the lands late the property of William Petty, adjoining Chatham Court House, as laid off by the Trustees named in the act of the last General Assembly, entitled "an Act for establishing a Town on the Lands of Mial Scurlock, deceased, in Chatham County;" for appointing Commissioners for the regulation of the Town and repealing said Act; which was read the first time, passed and sent to the Senate.

Mr. McLaine presented the Memorial of Robert Rowan, Commissioner for purchasing Tobacco at Fayetteville, which being read, was referred to the Committee of Finance.

Mr. Needham Bryan presented the Petition of James Lockhart, of Johnston County, which being read, was referred to the Committee appointed on Memorials and Petitions.

Mr. Joseph Stewart presented the Petition of John Ramsey, which being read, was referred to the Committee of Propositions and Grievances.

The Bill for the better regulation of the Town of Halifax and extending the liberties thereof, and for altering the mode of levying Taxes in the Town of Edenton was read the third time, amended, passed and sent to the Senate.

The Bill for establishing a Town on the Land of Robert Burton, Esquire, in Granville, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen :

We have received your Message proposing a Committee of the whole of the two Houses immediately. With this proposition we do not concur, but agree that such Committee be formed Tomorrow morning at 9 of the Clock, in the room where the late conference of the General Assembly was held.

Ordered that the following message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree that the two Houses form into a Committee of the whole as by you proposed.

Received from the Senate a Bill to amend an Act entitled "an Act for the regulation of the Town of Salisbury, in the County of Rowan." Endorsed in Senate, "read the first time and passed."

Received from the Senate the Petition of Thomas Hall and Bromfield Ridley, Administrators on the Estate of Thomas Bell, deceased. Endorsed in Senate, "read and referred to Messrs. Stokes, Tipton and Macon."

Mr. Yancey presented the affidavit of Reuben Searcy respecting the loss of certain Certificates, which being read, was referred to the Committee of Propositions and Grievances.

Mr. Neale presented the Petition of Nathaniel Tooley, which being read, was referred to the Committee on Petitions and Memorials.

Mr. Neale presented the Petition of John and Elizabeth Nelson, which being read, was referred to the Grand Committee.

Mr. Davie moved for leave and presented a Bill for establishing a Town on the Lands of Andrew Bass, which was read the first time, passed and sent to the Senate.

Received from the Senate for the concurrence of this House the following resolutions, viz :

Read the Petition and Claim of Mr. George Farragut, late a Captain in the Cavalry of the State Regiment of North Carolina, whereupon,

Resolved, That Mr. George Farragut be allowed the sum of Sixty-Eight pounds Eight shillings & four pence current money, being the one-fourth part of the sum which appears by his account rendered to be due Mr. Farragut for and on acco't of his Military services performed in this State ; that the Treasurer pay him the same and be allowed in the settlement of his public accounts.

Resolved also, that the Comptroller issue to Mr. Farragut a Certificate for the other three fourths of the sum due him, and

Resolved likewise, that this General Assembly are lead to adopt this measure from a conviction of the faithful voluntary and public spirited services of the said Mr. Farragut, he being a native and subject of the Kingdom of France.

A motion was made and seconded, that this House concur with the above Resolution which was objected to, the question being put was carried in the affirmative, whereupon the Yeas and Nays were required by Mr. Bonds, which are as follows, viz :

Yeas.—Messrs. Copeland, Creecy, Winslow, Fulford, Whitfield, Rhodes, Philips, Dickens, D. Hall, Anderson, Richardson, Westbrook, J. Dickson, N. Bryan, Avera, Randal, Willis, McKissick, Bell, Z. Wood, Holland, Everagin, Montford, Spruill, Holmes, Davie, Cabarrus, Martin, Sitgreaves, Lanier, Yates, Isler, Sloan, Pugh, Vance, Maclaine, R. Blount, Easson, Brown, Grant.—40.

Nays.—Messrs. W. Wood, Ferrebee, Polk, Dauge, Ransom, Bond, Hamilton, Withrow, McDonald, Hutchings, Scott, J. Taylor, W. Taylor, Covington, Phifer, Alexander, Yancey, Reading, Jos.

Stewart, Franklin, Carson, Hinton, Pearson, Gardner, White, Jas. Stewart.—26.

The House adjourned 'til To-morrow Morning 9 O'clock.

Tuesday, 28 November, 1786.

The House met according to adjournment.

Mr. Ferree presented the resignation of George Flowers as a Justice of the Peace for Currituck County, which, being read, was accepted by this House.

Mr. Joseph John Clinch, one of the Members for Nash County, and Mr. William Bethell, one of the members for Rockingham County, appeared, were qualified and took their Seats.

Mr. Spruill presented the resignation of Joseph Wyatt as a Justice of the Peace for Tyrrell County, which, being read, was accepted by this House.

Mr. Spruill presented the Petition of Isaac Davenport, Jonathan Phelps & John Davenport, jun., which, being read, was referred to the Committee of Propositions and Grievances.

Mr. Willis presented the Record of the trial of a Negro, the property of John Lindsay, which, being read, was referred to the Committee of Claims.

Mr. Hooper presented the representation of a number of the Inhabitants of Orange County, accompanied with the Memorial of Samuel Strudwick, Esquire, which, being read, were referred to a joint Committee, the Members appointed on the part of this House for that purpose are Messrs. P. Hawkins, MacLaine, Martin, J. Taylor, Phifer, Hay, McDowall, Hamilton.

Mr. James Bloodworth, one of the members for New Hanover County, appeared, was qualified and took his seat.

Mr. Hooper presented the Petition of the people called Quakers, which, being read, was referred to the Grand Committee.

Mr. McDowall presented the Memorial of James Greenlee, which, being read, was referred to the Committee on Petitions and Memorials.

Mr. Hay presented the Petition of the Inhabitants of Fayetteville, which, being read, was referred to the Grand Committee.

Mr. Neale presented the Petition of Walter Allen of Craven County, which, being read, was referred to the Committee on Memorials and Petitions.

Mr. Hamilton presented the Petition of Matthew Russell and

others, which, being read, was referred to the Committee appointed on the representation of certain Inhabitants of Orange County.

Received from the Senate the following Bills :

A Bill for levying a further tax of ——— on every hundred acres of Land, and on ——— on every Poll in the County of Camden for defraying the expence of compleating the public buildings thereof.

A Bill for establishing a Town on the Lands of Andrew Bass.

A Bill for establishing a Town on the Lands late the property of William Petty, adjoining Chatham Court House as laid off by the Trustees named in the Act of the last General Assembly, entitled “an Act for establishing a Town on the Land of Mial Scurlock, deceased, in Chatham, for appointing Commissioners for the regulation of the Town & repealing said Act.” Endorsed in Senate “read the first time & passed.”

The Bill to amend an Act entitled “an Act for the regulation of the Town of Salisbury in the County of Rowan,” was read the second time, passed & sent to the Senate.

The Bill to empower the overseers of the Poor in the County of Granville to sell the Glebe in said County, was read the first time, passed and sent to the Senate.

Mr. J. G. Blount moved for leave and presented a Bill for establishing an academy at the place now called Martinborough in the County of Pitt, which was read the first time, passed & sent to the Senate.

Received from the Senate the Petition of John Ramsey.

The affidavit of Reuben Searcy.

The Memorial of Robert Rowan.

The Petition of Nathaniel Tooley.

The Petition of James Lockhart.

The Petition of Alexander McIver, severally endorsed in Senate “read and referred as by the Commons.”

The Bill for erecting an Academy at the Town of Warrenton in the District of Halifax, was read the first time, passed & sent to the Senate.

The Bill erecting a Town on the Lands of Matthew Figures in Northampton County on the South side of Meherrin River was read the second time, passed & sent to the Senate.

Mr. Davie moved for leave and presented a Bill for erecting a

Town on the Land of William Murfree in Hertford County, which was read the first time, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We have added Mr. Galloway to the Committee of Propositions & Grievances.

Received from the Senate the petition of John Augustine Deracan. Endorsed in Senate, "read & referred to the Committee of Propositions & Grievances," which, being read, was referred as by the Senate.

Received from the Senate the recommendation of Field officers in Wilkes county. Endorsed in Senate "read & agreed to," which, being read, was agreed to by this House.

The Honorable, the Speakers and Members of both Houses assembled in conference agreeable to the determination of yesterday, and appointed Elisha Battle, Esquire, Chairman. After some time spent in debate, it was Resolved that they would submit to the respective Houses the following Bills as necessary to be passed into Laws this Session, viz :

A Bill to ascertain the Term of time in which all debts due by Bond, note or by any other Contract or agreement, shall be lawfully demanded, and after which time no such Bond note or other demand shall be recoverable either in Law or Equity in this State.

A Bill to amend the Militia Law and make provision for a public Magazine.

A Bill to alter and amend the Court System.

A Bill to carry into effect the Treaty of Peace, and to declare what shall hereafter be deemed Treason and Misprision of Treason.

A Bill to open the Land office in every part of the State.

A Bill for reprinting and publishing the Laws passed since the year 1772.

A Bill for appointing Treasurers in this State.

A Bill for appointing Commissioners to extend the dividing line and establish the Boundary between this State and the State of South Carolina.

A Bill to make effectual provision for discharging our proportion of the Interest of the foreign Debt for a number of years therein mentioned.

A Bill to prevent the exportation of Indian Corn.

A Bill to compel the proper officers to publish the application of all public Monies.

A Bill for establishing a more equitable mode of Taxing Lands within this State.

“A Bill to amend an Act intituled “an Act for Emitting one hundred Thousand pounds for the purposes therein expressed,” for appropriating the Tobacco purchased by the late Commissioners for the sole purpose of discharging the Interest of our quota of the Foreign Debt.

A Bill to impose a Duty on all Slaves imported into this State by Land or Water.

A Bill to enable the Commissioners therein mentioned to sell the Pallace in the town of New Bern with the other Public Lots adjoining the same for Tobacco, for the purpose of assisting the State in payment of their quota of the Continental Debt.

A Bill to establish a Jurisdiction for the trial of all public officers therein named.

A Bill to establish Bar Inlet a Port, and to appoint a Naval officer and Collector for the same.

Resolved, that this House do concur with the foregoing recommendation, and that the Grand Committee be directed to prepare and bring in Bills accordingly.

The House adjourned 'til Thursday Morning 9 O'Clock.

Thursday, 30 November, 1786.

The House met according to adjournment.

Received from the Senate the accounts of John Whitaker as Commissioner, &c.,

The Petition of James Greenlee,

The Petition of the Inhabitants of Fayetteville,

The Petition of Walter Allen of Craven County,

The Record of a trial of a Negro, the property of John Lindsay,

The Petition of Matthew Russel & others,

The Petition of Isaac Davenport, Jonathan Phelps & John Davenport, jun., severally endorsed in Senate, “read and referred as by the House of Commons.

Received also, the resignation of Joseph Wyatt as a Justice of the Peace for Tyrrell County, and the resignation of George Powers as



a Justice for the County of Currituck. Endorsed in Senate, "read and accepted."

Received from the Senate the representation of a number of the Inhabitants of Orange County. Endorsed in Senate "read and referred on the part of the Senate to Genl. Rutherford, Messrs. Gowdy, Brown, Galloway & McCawley."

Mr. Peter Perkins, one of the Members for Rockingham County, appeared, was qualified and took his seat.

Received from the Senate sundry Petitions from the Counties of Washington, Sullivan and Greene. Endorsed in Senate "read and referred to a Special Committee; the Members chosen on the part of this House are General Rutherford, Messrs. Skinner, Macon, Stokes, Battle & Gillispie," which Petitions being read, were referred on the part of this House to Messrs. Scott, Davie, P. Hawkins, White, Phifer, Polk, Hutchings, Pearson, Lewis.

Mr. Hooper moved for leave to bring in a Bill for altering the mode of punishing Horse stealing. Ordered that he have leave accordingly.

Read the resignation of William McGregory as a Justice of the Peace for Montgomery County, which, being read, was accepted.

Mr. J. G. Blount presented a warrant granted by His late Excellency Alexander Martin, Esqr., in favor of Josiah Collins, for the sum of Eighty one pounds, one shilling & three pence, which, being read, was referred to the Committee of Claims.

Ordered that Mr. Lanier have leave to absent himself from the service of this House.

Received from the Senate the two following Bills, viz.:

A Bill to empower the County Court of Sampson to levy a further Tax on the Inhabitants of said County for defraying the expence of building the Court House, prison and Stocks in the same, and for defraying the contingencies of said County.

A Bill to empower the County Court of Richmond to levy a Tax for building a prison for said County and appointing Commissioners to contract for building the same. Endorsed in Senate, "read the first time & passed."

Whereas, it is necessary that our quota of the Federal Debt should be known and ascertained,

Resolved, That a joint Committee be appointed to enquire how far an Act entitled "an Act to ascertain the number of white and

black Inhabitants and the citizens of every age and condition in the State" has been carried into effect, and that they be hereby required to report the same in as short a time as possible.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have appointed Mr. Wyatt Hawkins and Mr. Frohock a Committee on the part of this House to enquire how far the late act, Entitled "an Act to ascertain the number of white and black inhabitants and the Citizens of every age and condition in the State" has been carried into effect, who are to report the same in as short a time as possible.

Mr. J. G. Blount moved for leave and presented a Bill for annexing a part of the County of Craven to Pitt County, which was read the first time, passed and sent to the Senate.

Mr. Phifer moved for leave and presented a Bill to prevent the obtaining of Grants of Land lying in the Western parts of this State to the prejudice of the first enterers, which Lands have been entered in the office lately established for receiving entries of Claims of such Lands by an Act for opening the Land Office, for the redemption of Specie and other Certificates, and for discharging the arrears due to the Army, which was read the first time, passed & sent to the Senate.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have added to the Committee on Finance Messrs. Dickens, Sawyer, Vance, Holland, Heale, Humphries of Currituck and Frohock. We have also added Messrs. McDowall, Philips, Creecy, Phifer, Perkins, Whitfield and Sawyer to the Grand Committee.

Ordered that Mr. Yates have leave to absent himself from the service of this House.

The Honorable the Speaker laid before the House a Letter from the Reverend Robert Andrews, of Virginia, respecting the claim of the Heirs of William Bird, Esquire, late of Virginia, to certain Lands in this State, which, being read, was referred to a special Committee. The Members appointed on the part of this House for that purpose are Messrs. Polk, Hutchings, Sitgreaves.

Mr. Bloodworth presented a Record of the Trial, &c., of a Negro, the property of Reuben Grant, of Onslow County, which, being read, was referred to the Committee of Claims.

Mr. J. G. Blount presented a Record of a Trial, &c., of a Negro, the property of Moore Knight, which, being read, was referred to the Committee of Claims.

Ordered that the Petition of John Simpson, Esquire, which was presented to the last Assembly be taken up and referred to the Committee of Claims.

The House adjourned 'til To-morrow Morning 10 O'clock.

Friday, 1 December, 1786.

The House met according to adjournment

The House resumed the consideration of the recommendation of Bladen County Court for allowing Sarah Surgener the sum of fifteen pounds for the year 1786, and Resolved, that they do concur therewith.

Received from the Senate the account of William Williams, late a Captain in the Continental Service. Endorsed in Senate "referred to the Committee of Claims." Ordered that the same be referred on the part of this House to the said Committee.

Received from the Senate the Resolves entered into by a Committee of Conference, &c. Endorsed in Senate "read and concurred with."

Received from the Senate the resignation of William McGregory. Endorsed in Senate, "read & accepted."

Received from the Senate the Memorial of Angelica Wilton. Endorsed in Senate, "read and referred to the Committee of Memorials and Petitions," which, being read, was referred as by the Senate.

Received also, the Petition of G. J. McRee. Endorsed in Senate, "read and referred to the Committee of Finance," which, being read, was referred as by the Senate.

Received from the Senate a Resolve directing the Comptroller to issue a certificate to John Vickers, which, being read, was concurred with.

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

We have received your Message informing of the addition by you made to the Committee of Finance and the Grand Committee pursuant to which we have likewise added to the Committee of Finance Messrs. Galloway, Mitchell and Eaton ; and to the Grand Committee Messrs. Stokes, Lewis, Galloway, McCulloch and General McDowall.

Mr. Speaker & Gentlemen :

Messrs. Moring, John Armstrong and Harris will on the part of this House, act with the Gentlemen by you appointed to enquire and report how far the Act of Assembly entitled "an Act to ascertain the number of white and black Inhabitants & the Citizens of every age and condition in the State" has been carried into execution.

Mr. Davie moved for leave and presented a Bill to repeal an Act entitled "an Act to prevent abuses in taking up stray Horses, Cattle, Sheep & Hogs, and other things therein mentioned," which was read the first time, passed & sent to the Senate.

Mr. Franklin moved for leave and presented a Bill to amend an Act entitled "an Act for the relief of such persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law," which was read the first time, passed and sent to the Senate.

Received from the Senate the Bill for enabling certain persons to perfect a Canal between Scuppernong river and the Lake near its head. Endorsed in Senate, "read the second time & passed."

Ordered that this Bill be read the third time in this House. The same was accordingly read the third time, amended, passed and sent to the Senate.

Mr. Polk moved for leave and presented a Bill for raising Troops for the protection of the Inhabitants of Davidson County, which was read the first time, passed and sent to the Senate.

Mr. W. Wood moved for leave and presented a Bill for the Inspection of Tobacco at Anson Court House, which was read the first time, passed and sent to the Senate.

Mr. Hamilton moved for leave and presented a Bill to release the widows and orphans of John Anderson, deceased, from a forfeiture of Recognizance, entered into for the appearance of a certain John McCroory before the Superior Court of Salisbury District, which was read the first time, passed and sent to the Senate.

Received from the Senate the following Bills, viz :

A Bill for cutting a Canal from Currituck Sound to the Indian Ridge, &c.

A Bill for erecting a Town on the Lands of William Murfree, in Hertford County.

A Bill to empower the Wardens of the Poor in the County of Granville to sell the Glebe in said County.

A Bill erecting a Town on the Lands of Matthew Figures, in Northampton County, &c.

Severally endorsed in Senate, "read the first time and passed."

Mr. Frohock moved for leave and presented a Bill to establish a public Inspection of Tobacco in the Town of Salisbury, in Rowan County, which was read the first time, passed and sent to the Senate.

Mr. Davie, from the Grand Committee, delivered in a Bill to compel certain officers therein mentioned to publish the application of the public Monies and allowances for insolvents, which was read the first time, passed and sent to the Senate.

Mr. P. Hawkins presented the representation of the Public Treasurer, which, being read, was referred to a Select Committee. The Members appointed on the part of this House for that purpose are Messrs. Sitgreaves, P. Hawkins, Franklin, Hooper, Bloodworth.

The Bill for cutting a Canal from Currituck Sound to the Indian Ridge, & from thence to the head of North River, or as far as the Commissioners herein named shall think proper, was read the third time, passed and sent to the Senate.

The House Adjourned 'til Monday Morning 10 O'clock.

Monday, 4th December, 1786.

The House met according to adjournment.

The Honorable the Speaker laid before the House a Letter from the Reverend Robert Andrews and John Cowper, inclosing Certificates of their appointments as Commissioners from the Commonwealth of Virginia to treat with this State respecting the opening a Canal from Elizabeth River to Pasquotank River, &c.

Ordered that the same be sent to the Senate.

Mr. Hall presented the representation of Thomas Brickell, impeaching certain Justices of the Peace for Franklin County, which being read, was referred to the Grand Committee.

Mr. Hooper, according to order, presented a Bill to alter the mode of punishing Horse Stealing; also to repeal an Act entitled "an Act to prevent Horse Stealing," which was read the first time, passed and sent to the Senate.

Ordered that Mr. W. Taylor have leave to absent himself from the service of this House.

Mr. Nehemiah Long, one of the Members for Northampton County, appeared, was qualified & took his seat.

Mr. Hooper moved for leave and presented a Bill to make Securities therein named negotiable, which was read the first time, passed & sent to the Senate.

Resolved, That the Speaker of the Senate and House of Commons, in directing John Ingraham, Esquire, to withdraw from the prisoners brought in yesterday in obedience to the order of Governor Caswell, all monies and Papers of every kind of which, upon search, they might be found to be possessed, have acted in entire consistence with the wishes of this House, and that the said John Ingraham, in obeying the directions of the said Speakers, has acquitted himself to the satisfaction of this House and has met their entire approbation; and that the said John Ingraham be directed to retain in his possession all such papers and Monies until this House make further orders therein.

Mr. Hooper presented the Petition of John Johnston, which being read, was referred to Messrs. Pugh, McKenzie, Dodd, Phillips, Long, Sawyer, Phifer, Brown, Clinch, on the part of this House.

Mr. P. Hawkins presented the Petition of Zephania Waller, which being read was referred to the Committee appointed on the Petition of John Johnston.

The Bill for levying a further Tax of ————on every hundred acres of Land and ————on every Poll in the County of Camden for defraying the expense of completing the public buildings thereof, was read the first time, passed and sent to the Senate.

The Bill for erecting a Town on the Land of William Murfree, in Hertford County, was read the second time, amended, passed and sent to the Senate.

Resolved that a writ of Election issue to the County of Orange for the Election of one Member to represent the said County in this House in the room and stead of John Butler, Esquire, deceased, and that the said Election be held on the Twentieth & Twenty-first Days of this present month.

Mr. Sitgreaves moved for leave and presented an additional Bill to an Act entitled “an Act to amend an Act passed at New Bern the first day of December, 1766, entitled ‘an Act for establishing a School House in the Town of New Bern;’” which was read the first time, passed and sent to the Senate.

The Bill for establishing a town on the Lands late the property of William Petty, adjoining Chatham Court House as laid off by the Trustees named in the Act of the last General Assembly, intituled "an Act for establishing a town on the Land of Mial Scurlock, deceased, in Chatham county," for appointing Commissioners for the regulation of the town and repealing said Act, was read the Second time, amended, passed and sent to the Senate.

Mr. Davie, from the joint Committee, presented a Bill to carry into further effect an Act intituled "an Act for opening the Land office for the redemption of Specie and other Certificates, & discharging the arrears due to the Army," which was read the first time, passed and sent to the Senate.

The Bill erecting a town on the Land of Matthew Figures, in Northampton county, on the Southside of Meherrin river, was read the third time, amended, passed and sent to the Senate.

The Bill to impower the Wardens of the Poor in the county of Granville to sell the Glebe in said county, was read the second time, passed and sent to the Senate.

Received from the Senate the claim of Mr. Andrews in behalf of Mr. Bird.

The Record of the Tryal of a Negro, the property of Moore Knight.

The recommendation of Bladen Court allowing Sarah Surgener fifteen Pounds.

The petition of John Simpson, Esquire.

The record of the trial of a Negro the property of Reuben Grant.

The warrant granted by his late Excellency, Alexander Martin, Esqr., in favor of Josiah Collins, &c. Severally endorsed in Senate, "read and referred as by the House of Commons."

Mr. J. G. Blount presented the resignation of Hezekiah Pearce as a Justice of the Peace for Beaufort county, which being read was accepted by this House.

Received from the Senate the Memorial of the Reverend James Tate. Endorsed in Senate, "read and referred to the Committee of Propositions and Grievances," which, being read, was referred as by the Senate.

Received also the Claim of Wm. Webb & C. White. Endorsed in Senate, "read & referred on the part of this House to Messrs. Lewis, Reddick and Eaton," which, being read, was referred to Messrs. Martin, W. Hawkins, Franklin, and Holland.

Received from the Senate the petition of the People called Quakers, &c. Endorsed in Senate, "read & referred as by the House of Commons."

Received from the Senate a Bill for dividing the county of Bladen. Endorsed in Senate, "read the first time and passed."

Ordered that this Bill be read the first time in this House, the same was accordingly read the first time, passed and sent to the Senate.

Mr. James Martin, from the Committee of Privileges and Elections, delivered in the following Report, viz :

Your Committee of Priviledges and Elections to whom was referred the Memorial of John Allen and Richard Nixon, Reported,

That it appears to your Committee from a Certified Copy of the Poll and the relation of the sitting members, that a number of the Inhabitants of the town of New Bern did vote at the last election held for the county of Craven on the third Friday and Saturday in August last, for county Members in the House of Commons, and it was admitted by Mr. Allen, on behalf of himself and Mr. Nixon, that the following was a true state of the Poll, viz :

|                                |     |        |
|--------------------------------|-----|--------|
| Richard Dobbs Spaight. . . . . | 417 | Votes. |
| Abner Neale. . . . .           | 409 | do     |
| Richard Nixon. . . . .         | 265 | do     |
| John Allen. . . . .            | 214 | do     |

It appears on examing a Copy of the list of Votes and the number of Ticket ballots certified by John Council Bryan, Sheriff, and introduced by the Memorialist. that the residents of the town who voted amounted to one hundred and three, so that on purging the Poll and striking off the town votes, Mr. Spaight had a Majority of forty-nine votes more than Mr. Nixon, and one hundred more than Mr. Allen and Mr. Neale a majority of forty-one votes more than Mr. Nixon, and ninety-two more than Mr. Allen, which votes were unexceptionable.

All persons who are disqualified to vote are also subject to the penalty inflicted by an Act, entitled "an Act directing the method of Electing Members of the General Assembly, and other purposes."

Your Committee are therefore of opinion that Richard Dobbs Spaight and Abner Neale, Esquires, the sitting Members, had an



undoubted Majority of legal votes, and are therefore entitled to their Seats.

All which is submitted.

JAMES MARTIN, Ch.

The House, taking the said Report into consideration, concurred therewith.

Mr. MacLaine presented the Petition of Edward Bridgen, of London, Merchant, which, being read, was referred to the Grand Committee.

Received from the Senate the Resolve of this House directing Mr. John Ingraham to retain the Papers and Money received from the Prisoners, &c., concurred with.

Received also the Petition of John Johnston. Endorsed in Senate, "read and referred to General Gregory, Messrs. Stokes, Reddick, Battle and McCawley;" and

The Petition of Zepheniah Waller. Endorsed in Senate, "referred as by the Commons."

Received from the Senate the following Bills, viz.:

A Bill empowering Commissioners to dispose of the Land and Glebe, the property of St. John's Parish, formerly in the County of Bute, now in Franklin.

A Bill impowering the Courts of Pleas and Quarter Sessions in this State to exercise special Jurisdiction over the matters therein mentioned.

A Bill to enable the Executors of the last Will and Testament of Jethro Sumner, Esquire, deceased, to collect and receive the arrears of taxes in the Counties of Warren & Franklin, &c.

A Bill for erecting a Prison in the County of Franklin & to prevent the burning County Gaols in this State.

A Bill to amend an Act passed at New Bern in December, 1777, entitled "an Act directing the method of Electing Members of the General Assembly, & other purposes."

An additional Bill to an Act entitled "an Act to amend an Act passed at New Bern the first Day of December, 1766, entitled 'an Act for establishing a School House in the Town of New Bern.'"

A Bill to erect and establish an Academy in the County of Franklin.

A Bill to amend an Act entitled "an Act for the relief of such

Persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time hertofore appointed by Law ;” and also to amend an Act entitled “an Act for raising a public revenue for the support of the Government,” and to repeal an Act entitled “an Act to suppress excessive Gaming.”

A Bill directing the Courts of Pleas and Quarter Sessions of Pasquotank County to be held at Winfield, in Pasquotank, &c.

A Bill to make the Securities therein named negotiable.

A Bill to amend an Act entitled “an Act for the regulation of the Town of Salisbury,” &c.

Severally endorsed in Senate, “read the first time & passed.”

Mr. Davie presented the Petition of William Murfree, praying, &c., which, being read, Mr. Davie moved for leave and presented a Bill to authorize & empower William Murfree, formerly Sheriff of Hertford, now Hertford and Gates Counties, to collect the arrears of taxes due him from the Inhabitants of said Counties for the years 1768, 1769 & 1770, which was read the first time, passed and sent to the Senate.

Received from the Senate the report of the Committee on the Memorial of Alexander McIver. Endorsed in Senate, “read & concurred with.” Which, being read, was concurred with by this House.

On motion of Mr. Spaight, seconded by Mr. J. G. Blount—

Resolved, That the Treasurer be directed to pay two certificates of the General Assembly granted to Benjamin Fordham, one dated the 25th of January, in the year 1773, for thirteen pounds six shillings & eight pence ; the other dated December, 1773, for seven pounds eight shillings and six pence, and that he be allowed for them in the settlement of his accounts.

Received from the Senate the following message :

Mr. Speaker & gentlemen :

We have received and read the Letter and enclosures from the Rev'd Robert Andrews and John Cowper, Esquires, of the State of Virginia, addressed to the Honorable the Speaker of the House of Commons, which we propose referring to a Select Committee, and have for that purpose on our part appointed General Rutherford, General Gregory, Mr. Relfe and Mr. Lewis a Committee who will

act jointly with such of your Body as may be appointed for that purpose.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have on our part appointed Messrs. MacLaine, J. G. Blount, Davie, Brown, Alexander, Cabarrus, John Taylor, to consider of the Letter and enclosures from the Rev'd Robert Andrews and John Cowper, Esquires, from the State of Virginia.

Received from the Senate a Resolve of that House directing the Committee of Claims to allow all Claims presented them, either for Militia service or supplies furnished, which are properly Authenticated, &c.; which, being read, was rejected.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

We do not agree with you in referring the Impeachment made by Thomas Brickell, Esquire, of Franklin County, to the Grand Committee, but propose that it be referred to a select Committee, and have for that purpose on our part appointed Messrs. Galloway, Macon, Lewis, Hines, Genl. Gregory & Mr. Stokes a Committee who will act jointly with such Gentlemen of your Body as may be appointed in this behalf.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We consent that the Impeachment of Mr. Brickell of certain Justices in the County of Franklin be referred to a select Committee, and have on our part appointed Messrs. Neale, Long, W. Hawkins, Perkins, Yancey & Clinch for that purpose.

Ordered that Mr. Long be added to the Committee of Finance.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have added Mr. Nehemiah Long to the Committee of Finance.

Whereas, in obedience to the orders of the General Assembly in their present Session committed to the execution of his Excellency the Governor, Major Richard McKinney and Captain Dodd have seized and taken into custody and have delivered into this Town to abide the further orders of the Legislature divers persons charged with high Crimes and misdemeanors against the public credit of

this State ; and, whereas, it is necessary that measures should be forthwith taken, as well to hold the said prisoners in safe custody, as to obtain all information which they may be willing to communicate, both with respect to themselves and others, relative to the offenses imputed to the said persons and their Confederates ;

Resolved, therefore, That this House do appoint Messrs. Polk and Neale, and that the Senate be requested to appoint 2 members of their House, who, together with Robert Rowan and John Ingraham, Esquires, may take the examination of the said prisoners, and of such others as may hereafter be brought to this Town in obedience to the said order. That the persons so appointed shall have full power and authority to send for and command the personal attendance of such persons and papers as may be necessary to carry the purposes of this appointment into the most effectual execution ; and that such persons so appointed shall be under an Injunction to keep secret all matters and things which shall be disclosed in the course of such examination until they shall be discharged therefrom by order of the Legislature.

Resolved further, That the persons so appointed shall have full power and authority to search and examine all other persons, who may be brought to this Town in obedience to the said order of the General Assembly, and to seize all Monies and Papers that the said Prisoners may be possessed of, they giving the said Prisoners receipts for the same.

Resolved, That the Sheriff of this County take into his Custody all such prisoners, and all others who may be brought to this Town, and that the Colonel or Commanding Officer of this County be directed to furnish him with a sufficient number of Militia not exceeding fifty in number as a posse for the safe holding of such prisoners, who shall be allowed the same pay and rations as Militia are entitled to when in service, and shall also be subject to the same rules and regulations and paid by the order of the present General Assembly.

Resolved, That his Excellency the Governor, be requested to issue a Proclamation signifying to all public officers that it is the sense of the General Assembly, that no due Bills or Certificates issued since the first day of January, 1786, by the Commissioners of Army accounts, shall be received in payment of any arrears due to the public by any Citizen or Citizens of this State, until the Leg-

islature make further order therein ; and that the Governor specially set forth in the said proclamation that the late multiplied frauds against the public faith have induced this resolution, and that the Governor make such proclamation as General and diffusive as possible, and that His Excellency in the same manner be directed to have the issues of Grants suspended for all real property purchased and paid for at the sales of Commissioners of Certificates since the first day of January, 1786.

Resolved, That the Attorney General be requested to attend in this Town as soon as the business of Wilmington Superior Court will permit, and that an Express go to Wilmington for this purpose.

Resolved, That the thanks of this House be tendered to Major Richard McKinnie and Captain David Dodd for their upright, spirited and expeditious exertions in seizing and bringing to this Town in obedience to the said orders of the General Assembly divers persons charged with high crimes and misdemeanors against the credit of this State.

Resolved, That the persons appointed to take the examination of the prisoners aforementioned be authorized to direct to be made out of the sums of Money withdrawn from them respectively, such advances for their comfortable subsistence and Support as to the said persons so appointed shall seem meet.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

Pursuant to the Resolutions of your body of this date relative to certain prisoners now in the Town of Fayetteville and others, the Senate have appointed General Rutherford and General Gregory, who will with the Gentlemen by you named assist in their examination, &c. At the same time received the Resolutions above referred to. Endorsed, "In Senate read & concurred with."

The House adjourned 'til To-morrow Morning 10 O'clock.

Tuesday, 5 December, 1786.

The House met according to adjournment.

Received from the Senate the Petition of William Murfree. Endorsed in Senate, "read and referred to Messrs. Macon, McCawley and Battle," which, being read, was referred on the part of this House to Messrs. Bloodworth, Willis, Frohock and Whitfield.

Received from the Senate the Report of the Committee on the

Petition of the Administrators of Thomas Bell, deceased. Endorsed in Senate, "read & concurred with," which, being read, was concurred with by this House.

Mr. Phifer presented the Petition of the Sheriffs of the District of Salisbury, which, being read, was referred to the Committee of Propositions and Grievances.

Mr. Perkins presented a Petition from a number of the Inhabitants of Rockingham County, praying, &c., which, being read, Mr. Perkins moved for leave and presented a Bill to amend an Act for dividing Guilford County, which was read the first time, passed and sent to the Senate.

Mr. Polk moved for leave and presented a Bill to vest certain Salt Springs and Licks in the Trustees of Davidson Academy and their Successors for the use of the said Academy.

Mr. Everagin presented the Petition of William Hollowell, praying, &c., which, being read, was referred to the Committee on Petitions and Memorials.

Mr. Eli West, one of the members for Cartaret County, appeared, was qualified and took his seat.

The Bill empowering the Courts of Pleas and Quarter Sessions in this State to exercise special Jurisdiction over the matters therein mentioned, was read the first time, passed & sent to the Senate.

The Bill to amend an Act entitled "an Act for the regulation of the Town of Salisbury, in the County of Rowan ; for regulating the Town of Windsor, in Bertie County," was read the third time, amended, passed & sent to the Senate.

Received from the Senate the Petition of the Sheriffs of Salisbury District.

The Petition of William Hollowell, and

The Petition of Edward Bridgen, severally endorsed in Senate, "read & referred as by the House of Commons."

Received from the Senate the following Bills, viz.:

A Bill to amend an Act for dividing Guilford County.

A Bill for establishing an Academy at the place now called Martinborough, &c.

A bill to establish a public Inspection of Tobacco in the Town of Salisbury, &c.

A Bill to repeal an Act to prevent abuses in taking up stray Horses, Cattle, Hogs & Sheep, and other things therein mentioned.

A Bill to authorize and impower William Murfree, formerly Sheriff of Hertford, now Hertford & Gates Counties, to collect the arrears of Taxes due him, &c.

A Bill for annexing part of the County of Craven to Pitt County.

A Bill to prevent the obtaining of Grants of Land lying in the western parts of this State to the prejudice of the first enterers, &c.

A Bill to compel certain officers therein mentioned to publish the application of the Public Monies & allowances for Insolvents.

An additional Bill to an act to prevent the several Species of Hunting therein mentioned.

A Bill to carry into further effect an Act entitled "an Act for opening the Land Office for the redemption of Specie & other certificates & discharging the arrears due to the Army."

A Bill to vest certain Salt Springs and Licks in the Trustees of Davidson Academy & severally endorsed in Senate, "read the first time and passed."

Mr. Maclaine presented the Petition of John Bradley, which, being read, was referred to a Joint Committee. The members appointed on the part of this House are Messrs. Rhodes, Roberson and Grant.

Mr. Spaight moved for leave and presented a Bill for altering the time of holding the annual Elections and annual Assemblies, which was read the first time, passed and sent to the Senate.

Received from the Senate the Resolve of this House directing the Treasurer to pay two Certificates granted Benjamin Fordham, &c. Endorsed in Senate, "read and concurred with."

The Bill to enable the Executors of the last will and Testament of Jethro Sumner, Esquire, deceased, to collect and receive the arrears of Taxes in the Counties of Warren and Franklin for certain years therein mentioned, was read the first time, passed and sent to the Senate.

A Bill for erecting a Town on the Lands of William Murfree, in Hertford County, was read the third time, passed and sent to the Senate.

Received from the Senate the following Bills, viz.:

A Bill for erecting an Academy at the Town of Warrenton, in the District of Halifax.

A Bill for establishing a Town on the lands late the property of William Petty, adjoining Chatham Court House, as laid off by the

Trustees named in the act of the last General Assembly entitled "an Act for establishing a Town on the Land of Mial Scurlock, deceased, in Chatham County ; for appointing Commissioners for the regulation of the Town, and repealing said Act." Endorsed in Senate, "read the second time and passed."

Received also a Bill to empower the Wardens of the Poor in the County of Granville to sell the Glebe in said County. Endorsed in Senate, "read the third time & passed."

The Bill for establishing a Town on the Lands of Andrew Bass, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the resignation of Hezekiah Pearce as Justice of the Peace, &c. Endorsed in Senate, "read and accepted."

The House adjourned 'til To-morrow Morning 10 O'clock.

Wednesday, 6th December, 1786.

The House met according to adjournment.

Received from the Senate the Petition of the Inhabitants of Chatham County, &c. Endorsed in Senate, "read and referred to the Grand Committee." Which, being read, was referred as by the Senate.

Received from the Senate the resignation of Andrew Hunt as a Justice of the Peace, &c. Endorsed in Senate, "read & accepted." Which, being read, was accepted by this House.

Mr. Dickens presented the Claim of the Clerk of Halifax Superior Court, which, being read, was referred to the Committee of Claims.

Mr. Hooper presented the Petition of a number of the Inhabitants of Orange County, which, being read, was referred to a joint Committee. The Members appointed on the part of this House are Messrs. Willis, J. Taylor, Hall, Jos. Stewart, Hamilton.

Mr. Holland presented the Petition of George Lewis and William Price, which, being read, was referred to the Committee of Propositions and Grievances.

Mr. Joseph Stewart presented a Petition of sundry Inhabitants of Chatham County, praying, &c., which, being read,

Mr. Stewart presented a Bill to repeal the thirteenth Section of an Act passed at New Bern in October, in the year 1784, entitled "an Act for raising a Public revenue for the support of Government," and to repeal an Act entitled "an Act to suppress excessive Gaming;" which was read the first time, passed & sent to the Senate.



Mr. Cabarrus, from the joint Committee appointed to prepare and bring in Bills, &c., presented a Bill to prohibit the exportation of Indian Corn, which was read the first time, passed & sent to the Senate.

The Bill to repeal an Act entitled "an Act to prevent abuses in taking up stray Hogs, Horses, Cattle and Sheep, and other things therein mentioned," was read the second time, passed & sent to the Senate.

Resolved, That the Commissioners appointed to take the examination of the prisoners now in Custody by order of the Assembly be authorized to make such provision for their subsistence and comfort as to them shall seem meet.

The Bill to amend an Act entitled "an Act for the relief of such persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law;" and also to amend an Act entitled "an Act for raising a Public Revenue for the support of Government," and to repeal an Act entitled "an Act to suppress excessive Gaming," was read the second time, amended, passed and sent to the Senate.

Mr. Hooper presented the Petition of the Trustees of the Academy at Hillsborough, which, being read,

Mr. Hooper moved for leave and presented a Bill to establish a fund for the support of the Academy at Hillsborough, which was read the first time, passed and sent to the Senate.

Mr. Spaight presented the claim of the Executors of James Davis, Esquire, late public printer in this State, which, being read, was referred to a joint Committee. The Members appointed on the part of this House for that purpose are Messrs. Martin, Spaight and Lewis.

Mr. Frohock presented the Petition of William Ledford, which, being read, was referred to the Committee on Petitions and Memorials.

Mr. Dickens, from the Committee of Claims to whom was referred the Petition of John Simpson, Esquire, reported as follows, viz :

That after duly examining the premises and strictly inquiring into the several circumstances relative thereto, are of opinion that

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the allegations set forth in the said Petition are not properly supported, therefore rejected it.

All which is submitted.

R. DICKENS, Ch.

The House taking this Report into consideration concurred therewith.

Mr. Dickens from the Committee of Claims to whom was referred the Petition of Winston Caswell and William White, Executors of the last will and Testament of William Caswell, Esqr., Reported as follows, viz.:

That on examining the premises Mr. William White, one of the said Executors signified his desire of withdrawing the said Petition and gave for his reason a clause in an Act of Assembly passed in the year 1782, directing a Petition to be preferred to Court by the Creditors for all Debts against any person whose estate has been confiscated and sold for the use of the State, and on recovering Judgment against such person, may lay a State of the case before the General Assembly and receive payment therefor. As it appears to your Committee that the said Executors have not proceeded in this manner, they recommend that the said Executors have leave to withdraw their Petition agreeable to their request.

R. DICKENS, Ch'n.

The House taking this Report into consideration concurred therewith.

Mr. Dickens from the Committee of Claims, delivered in a Report on the Claim of Reuben Grant, and on the Petition of Matthew Mosely, which, being read, was ordered to lie on the table.

Mr. Dickens from the Committee of Claims delivered in a Report on the Claim of James Blount, which, being read, was recommitted.

Received from the Senate the Report of the Committee appointed to report on the Message of His Excellency the Governor, &c. Endorsed in Senate, "read & concurred with," which, being read, was concurred with by this House.

Mr. Davie from the Committee of Finance presented a Bill for levying a Tax for the support of Government, and for the redemption of the old paper Currency, Continental Money and Specie and other Certificates, which was read the first time, passed and sent to the Senate.

Mr. Spaight from the Committee of Finance, delivered in the following Report, viz.:

The Committee for ascertaining the produce of the Revenues and Taxes, and the nature and State of the Debts and estimates for the year Seventeen hundred and Eighty-Seven on examining the Reports from the Treasury and Comptroller's office with the Continental requisitions,

Report, That the net produce of our Taxes and revenues as established for the present year appear to amount on the

|                                                                              |                 |
|------------------------------------------------------------------------------|-----------------|
| Land Tax.....                                                                | £14,749 / 7 1½  |
| Poll Tax.....                                                                | £27,650 / 17 6  |
| Town Property.....                                                           | £ 728 / 16 8½   |
| Taxes in aid of the public revenue estimated at...                           | £ 3,800 / 15 9  |
| The impost by water estimated at.....                                        | £10,000 / 10 9  |
| The Continental Tax of ¼, &c., laid for this year<br>only, estimated at..... | £ 7,905 / 00 00 |

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Total amount of net revenue for 1786.... £64,835 / 7 10

Your Committee are of opinion that for the services of the year 1787, to be provided for by the present General Assembly for the payment of the Civil List, the requisitions by Congress and incidental charges it will be necessary that £81,080 / 18 11½d be raised and appropriated to the following purposes:

|                                                                                                                     |                 |
|---------------------------------------------------------------------------------------------------------------------|-----------------|
| For the Civil List department.....                                                                                  | £16,000 / 00 00 |
| This State's quota of the principal & Interest on<br>the French and Dutch loans to be paid in the<br>year 1787..... | £46,401 / 12 00 |
| Contingencies including warrants & drafts unpaid<br>exclusive of 1786.....                                          | £11,689 / 3 9   |
| Commissions & Insolvencies..                                                                                        | £ 6,990 / 3 2½  |

The Committee have taken the civil list charge from that of the present year, presuming that although alteration may take place during the present Session, the aggregate sum would not exceed the present establishment.

The Tobacco on hand being deemed adequate to the discharge of the Specie requisition of Congress from this State payable in 1786, Your Committee recommend that a sufficient sum from the best

established revenues be appropriated to the payment of this State's estimated Quota of the principal and Interest due on the French and Dutch Loans and payable in 1786 as before stated.

The Interest of the Domestic Federal Debt as stated in the resolution of Congress of the 2nd of August, 1786, appears to be 1,606,560 Dollars, and the requisition from this State for the present year - 116,749 Dollars, payable in Indents for Interest or Loan Office Certificates, and upon other certificates of the Liquidated debts of the United States, and if not so paid, to be discharged by Specie only paid into the Continental Treasury ; no provision appears to have been made in the Taxes and revenues of the present year for the above purposes.

Your Committee considering the amount of the requisition which must necessarily be paid in Specie, the internal exigencies of Government and the state of our accounts with the United States beg leave to suggest the necessity of a resolution setting forth the unsettled State of the Accounts of this State with the United States, the large Credits to which we are undoubtedly entitled and our readiness to make effectual provision for our proportion of that Interest as soon as the domestic debt can be ascertained and justly apportioned.

The Contingencies are estimated from the Warrants and Drafts issued on the Treasury and now unpaid, amounting to £4,189 /3 9d, with the sum of £7,500 /0 0d, estimated on the Contingencies of the year 1786, tho' considerably lower on the presumption that the allowances usually made by the Assembly would be much less than in former years.

Your Committee find that the certificates issued by the different Boards of Auditors which remain in the hands of Individuals, including the Currency Certificates reduced into Specie, and the Certificates issued by the Commissioners of Army Accounts in 1784 and 1785, exclusive of the Interest accrued thereon, amount to the Sum of £786,264 /6 1d, one year's Interest of which will make the sum of £47,175 /17 1½d ; and therefore recommend that the Tax laid in certificates should produce a sum at least equal to the said sum of £47,175 /17 1½d, the necessity and policy of which are evident ; such tax to be payable in any of the above mentioned certificates, Loan office Certificates, rated agreeable to the Resolve of Congress of the 28th June, 1780, and the final settlement certificates issued by John Pierce to the Continental line of this State.

The Committee, taking into consideration the Resolve passed at New Bern December, 1784, for paying one year's Interest annually after the present year, inclusive, on the certificates granted by the Commissioners of Army Accounts, and the present state of our revenues, recommended that the said Resolution be rescinded until the just amount of that debt is ascertained, and the State shall be in a condition to discharge the same with punctuality.

Your Committee beg leave to recommend it as a measure highly necessary and expedient to appropriate the several branches of revenues to the services of the next year, or succeeding years, which they may appear best calculated to discharge—a policy dictated by the example of the wisest nations, and which would certainly prevent the distress to which we have been annually reduced by the deficiencies of the Treasury.

WILLIAM R. DAVIE, Chmn.

The Sub-Committee No. 1 having made the foregoing Report to the Committee of Finances, the same being concurred with, ordered to be reported to the House.

RICHARD DOBBS SPAIGHT, Chairman.

The foregoing Report being read, was concurred with.

The Committee on Finance, on examining the papers which have been referred to them, and observed the great length of time which a minute and effectual investigation will necessarily employ, together with the difficulty of convening and proceeding with dispatch collectively thereon, report—

That for the more equal and expeditious method of transacting the business, they have been induced to form themselves into Six Sub-Committees, and apportion the business accordingly, in the manner following :

No. 1.—To take under consideration the state and produce of Revenues, Taxes, nature and amount of Debts, the Estimate for the year 1787, and Taxes : Messrs. Spaight, Polk, Battle, Davie, Hawkins, Hay, Brown, Stokes, Blount, Sitgreaves, Dickens, Vance, Phillips and Gallaway.

No. 2.—The Treasury and Monies collected in the years 1784, 1785 and 1786, and the application : Messrs. Spaight, Hawkins, Cabarrus, Davie, Sitgreaves, Gallaway and Long.

No. 3.—The Tobacco, foreign Debt and Interest, &c., and further Contracts: Messrs. Blount, Winslow, McKenzie, MacLaine, Cabarrus, Stokes, Gallaway, Humphries, Sawyer and Neale.

No. 4.—The application of the last £1,000,000, including the due Bill business and Army Accounts: Messrs. Gregory, Polk, Hay, McKenzie, Blount, Stokes, Sitgreaves, Hawkins, MacLaine, Gallaway, Hooper, Neale and Vance.

No. 5.—The Commissioners of Confiscation sales and Superintendents of the press: Messrs. Battle, Ramsey, Stokes, Winslow, Hargett, Holland, Eaton, Long and Dickens.

No. 6.—The Entry taker of Western Lands, the Comptroller, his progress, settlements, &c.: Messrs. Hargett, Brown, Gregory, Davie, Cabarrus, Mitchell, Ramsey, Humphries and Frohock.

Your Committee therefore beg leave to recommend that the several branches or sub-divisions may be considered as Committees of this House, and permitted to report accordingly.

RICHARD DOBBS SPAIGHT, Chairman.

The foregoing Report being read, was concurred with.

An additional Bill to an act to prevent the several Species of hunting therein mentioned, was read the first time, passed and sent to the Senate.

The Bill to annex part of the County of Burke to Rutherford County, was read the first time, passed and sent to the Senate.

The Bill vesting certain Lands therein mentioned in John Coleson, son of William Coleson, in fee Simple, was read the first time, passed and sent to the Senate.

The Bill to alter the mode of punishing Horse-Stealing—also to repeal an Act entitled “an Act to prevent Horse-Stealing”—was read the second time, amended, passed and sent to the Senate.

On motion of Mr. Hooper, seconded by Mr. Cabarrus, ordered that the Petition of the People called Quakers be withdrawn from the Grand Committee and referred to a Joint Select Committee.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the Petition of the People called Quakers, which at present stands referred to the Grand Committee, be withdrawn from the said Committee and be referred to a Joint Select Committee, and have for that purpose on our part appointed Messrs. Franklin, Sawyer, Spaight, Bloodworth, Bonds and Gardner.

We have added Mr. James Robeson to the Committee to whom is referred the Petition from the Counties of Washington, Sullivan and Greene.

The Bill to erect and establish an Academy in the County of Franklin, was read the first time, passed and sent to the Senate.

The Bill directing the Courts of Pleas and Quarter Sessions of Pasquotank County to be held at Winfield, on Pasquotank River, and for establishing a Town on the Lands of Thomas Relfe, at Winfield, in said County, was read the first time and laid over until the next Assembly.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

The Senate have added Messrs. Macon, Stokes, Gallaway and Reddick to the Committee to whom were referred the Letter and enclosures from the Rev. Robert Andrews and John Cowper, Esquires, Commissioners from the State of Virginia.

Received from the Senate the Resolve of this House for finding the prisoners with comfortable subsistence, concurred with.

Received from the Senate the Claim of the Clerk of Halifax Superior Court, and the Petition of George and Lewis Price. Endorsed in Senate, "read and referred as by the Commons."

The Bill for annexing part of the County of Craven to Pitt County, was read the second time, amended, passed and sent to the Senate.

On the question, "shall the bill pass or not pass?" the yeas and Nays were required by Mr. Spaight, which are as follows, viz :

Yeas : Messrs. P. Robeson, J. G. Blount, W. Wood, Fulford, Whitfield, Rhodes, Phillips, J. Robeson, Dickens, Sawyer, Hall, Dauge, Westbrook, Dixon, Avera, Rew, Hill, McKenzie, Bonds, Hamilton, Palmer, Bell, McDonald, Z. Wood, Crawford, Everagin, Hutchins, Scott, Spruill, J. Taylor, Holmes, Webb, McKinne, Davie, Cabarrus, Covington, Alexander, Yancey, P. Hawkins, Jos. Stewart, W. Hawkins, Franklin, Frohock, Carson, Hinton, Pearson, Humphries of Currituck, Sloan, McDowall, Vance, Gardner, White, Eason, Brown, Hooper, Grant, Lewis, Bethell, Bloodworth, Perkins.—60.

Nays : Messrs. Spaight, Sitgreaves, West, Neale.—4.

Ordered that Mr. Webb have leave to absent himself from the service of this House until Monday next.

Ordered that the Bill to carry into further effect an Act entitled "an Act for opening the Land office for the redemption of Specie and other Certificates, and discharging the arrears due to the Army," be taken up on Monday next for the second reading in a Committee of the whole House.

Received from the Senate the Petition of John Bradley. Endorsed in Senate, "read and referred to Messrs. Mitchell, Martin and Moore."

Received also the Petition of the Inhabitants of Orange. Endorsed in Senate, "read and referred to Mr. McCawley, General Ramsey, Messrs. Griffin and Gowdy."

Received from the Senate the following Bills :

A Bill to extend Three Acts passed at the last General Assembly held at New Bern concerning the County Wardens of the poor, Tobacco Inspection, and for destroying Vermin in certain counties therein mentioned to the county of Chatham.

A Bill for the promotion of Learning in the county of Chatham.

A Bill to repeal the thirteenth section of an Act passed at New Bern in October in the year 1784, entitled "an Act for raising a public revenue for the support of Government, and to repeal an Act entitled to Suppress excessive Gaming." Endorsed in Senate, "read the first time and passed."

Received also a Bill for establishing a town on the Lands of Andrew Bass, and

A Bill for levying a further Tax of — on every hundred Acres of Land, and — on every Poll in the county of Camden for defraying the expence of Compleating the public buildings thereof. Endorsed in Senate, "read the Second time and passed."

The House adjourned 'til To-morrow morning 10 O'clock.

Thursday December 7th, 1786.

The House met according to adjournment.

Ordered that the Bill for raising Troops for the protection of the Inhabitants of Davidson county, be read the Second time in this House on Saturday next.

Received from the Senate the Report of the Committee of Claims on the petition of Winston Caswell and William White, Executors, &c., of William Caswell, Esquire. Endorsed in Senate, "read and Concurred with."



Mr. Davie presented the petition of James Glasgow, Esquire, Public Secretary, which being read, Mr. Davie moved for leave, and presented a Bill to establish a Board to amend Errors in Patents, which was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committee of Claims on the Claim of James Blount. Endorsed in Senate, "read and re-committed."

Mr. Frohock moved for leave, and presented a Bill to alter and amend an Act passed at Hillsborough in May 1783, intituled "an Act for repairing the Court House and prison in the Town of Salisbury for the District of Salisbury;" and also one other Act passed at New Bern 1784, entitled "an act for levying a Tax in the counties in Salisbury and Hillsborough Districts for the repairing the district Buildings in the towns of Salisbury and Hillsborough, and directing the method of calling to account all Commissioners of public buildings heretofore or hereafter to be appointed, also to alter the several Laws now in force for erecting and repairing the public building in the District of Hillsborough," which was read the first time, passed, and sent to the Senate.

Received from the Senate the Claims of the Executors of James Davis, Esquire, deceased. Endorsed in Senate, "read and referred to Messrs. Gowdy, Clinton and Gen'l. Simpson."

Ordered that Messrs. Whitfield and Covington have leave to absent themselves from the Service of this House until Monday next. Mr. West moved for leave to withdraw for amendment, the Bill to extend three acts passed at the last General Assembly held at New Bern concerning the County Wardens of the Poor, Tobacco Inspection, and for destroying Vermin, &c., to the county of Chatham. Ordered that he have leave accordingly.

The House adjourned 'til To-morrow Morning 10 O'Clock.

Friday, December 8th, 1786.

The House met according to adjournment.

Received from the Senate the following :

Mr. Speaker and Gentlemen :

We have received your Message relative to the petition of the People called Quakers, which we agree to refer to a Select Committee, and have appointed Messrs. Harget, Stone and Clinton, who will act with the Gentlemen by you named for that purpose.

Mr. Speaker and Gentlemen :

We propose that the Report of the Committee on the petition of Gen'l. Simpson be recommitted as he was not present at the Investigation of the facts therein set forth.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We agree that the petition of General Simpson be recommitted as by you proposed.

Received from the Senate the Report of the Committee on Memorials and Petitions on the Memorials of Pleasant Henderson. Endorsed in Senate, "read and Concurred with," which, being read, was concurred with by this House.

Received from the Senate the petition of Thomas Nethery and Ambrose Carlton. Endorsed in Senate, "read and referred to the Committee on Memorials and Petitions," which being read, was referred as by the Senate.

Received also, the Petition of William Kirkpatrick, and the Petition of William Moore. Endorsed in Senate "read and referred to the Committee on Memorials and Petitions," which, being read, were referred as by the Senate.

And received also, The Petition of David Ross. Endorsed in Senate "read and referred to a select Committee; the members chosen are Messrs. Tipton, Gallaway, Gen'l Rutherford, Messrs. Stokes, Martin and Bledsoe," which, being read, was referred on the part of this House to Messrs. Hutchings, Scott, Hill, Sloan, Perkins, White, Ferrebee, Carson.

Received from the Senate the Report of the Committee on Memorials and Petitions on the Memorial of William Moore, Sheriff of Burke County. Endorsed in Senate, "read and concurred with," which, being read, was concurred with by this House.

Received from the Senate the resignation of Charles Bruce as a Justice of the Peace. Endorsed in Senate "read and accepted," which, being read, was Accepted by this House.

Mr. Hawkins from the Committee of Propositions and Grievances delivered in the following Report on the Memorial of George Mc Niel, viz.:

Your Committee of Propositions and Grievances to whom was referred the Memorial of George Mc Niel, Report,

That it appears to your Committee from the relation of Colonel

McKissick and Major Franklin that a certificate was issued by the Auditors of Salisbury District to the Memorialists for value of the Stud Horse mentioned in the Memorial of the said George McNiel. It does not appear to your Committee that the said Certificate has been since lost or destroyed. It further appears to your Committee from a Certificate in the name of the said George given him by Colo. Cleveland; that the Memorialist did the duty of Chaplain while in the Army, but does not appear that he was legally appointed, nor what time he Acted in that Character, only from his own affidavit. Your Committee therefore reject his Petition.

All which is submitted.

WYATT HAWKINS, Chmn.

The House taking this report into consideration concurred therewith.

Mr. Hawkins from the Committee of Propositions and Grievances delivered in the following Report on the Petition of Samuel Pitman, viz.:

Your Committee of Propositions and Grievances to whom was referred the Petition of Samuel Pitman, late Deputy Sheriff of Halifax County, Report, That the Writ of Execution in his Petition Mentioned, to-wit: are against William Linton for two hundred pounds, and another against William Muir and Thomas Tullock for two hundred pounds were lost as in the Petition set forth, so that he could not make a return thereof to Court, but that the four hundred pounds therein Commanded to be levied was Actually collected, and that in substance he had done every thing thereupon, that his duty required.

Your Committee are therefore of opinion that the fine or amercement of fifty pounds, imposed for the not returning thereof, ought not to be levied, and propose that this report being Concurred with by both Houses, shall be receivable by the Sheriff of Halifax and all other officers in lieu of the same. All which is submitted.

WYATT HAWKINS, Chmn.

The House taking this report into Consideration, Concurred therewith.

Mr. Hawkins from the Committee of Proposition and Grievances delivered in the following report on the petition of Isaac Davenport, Jonathan Phelps and John Davenport.

Your Committee of Propositions and Grievances, to whom was referred the Petition of Isaac Davenport, Jonathan Phelps and John Davenport, report—

That it appears to your Committee from the representation of the Petitioners that they have obtained a grant from this State for the Lands mentioned in their Petition, and the same hath been registered in the register's office of the County in which it is situated, your Committee are of opinion that the grant in favor of the Petitioners, should it be a legal one, is sufficient to quiet them in their possession without the interposition of the Legislature; therefore, cannot grant the prayer of the Petition.

All which is submitted.

WYATT HAWKINS, Ch'n.

The House, taking this report into consideration, concurred therewith.

Mr. Hawkins, from the Committee of Propositions and Grievances, delivered in a report on the claim of Reuben Searcy, which, being read, was ordered to lie on the Table.

Received from the Senate the report of the Committee on the Petition of John Johnston. Endorsed in Senate, "read and concurred with." Which, being read, was rejected; whereupon,

Resolved, That the Commissioner of Confiscation for the District of Edenton forbear until the next Assembly to sell the Lands called Green Ponds, now in the occupation of and claimed by John Johnston, and which has been advertised for sale by the said Commissioner as the property of Henry Eustace McCulloch.

Received from the Senate the report of the Committee on the Petition of Zephaniah Waller. Endorsed in Senate, "read and concurred with." Which, being read, was recommitted by this House to the Same Committee.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have received and considered the report of the Committee on the Petition of John Johnston, with which this House cannot concur, but in consequence thereof have entered into the resolution for directing the suspension of the sale of the Lands called Green Ponds, &c., herewith sent for your concurrence. We propose that the report on the Petition of Zephaniah Waller be recommitted.

Mr. Davis presented the Petition of John Williams, which, being read, was referred to the Committee on Petitions and Memorials.

Mr. Cox presented the Petition of John McNiel, which, being read, was referred to the Committee on Petitions and Memorials.

Received from His Excellency the Governor the following Message :

To the Honorable the General Assembly :

Gentlemen :

In pursuance of the resolution of your Honorable Body of the twenty-fifth of November last, I issued State Warrants against the several persons by you directed, and also Citations for the Witnesses therein named, and as many of the persons charged and the witnesses' residence were in distant Counties, I made the warrants and Citations all returnable here on Monday next. I was furnished by the Commissioners of Army Accounts with a List of the officers who had signed such Accounts, and in pursuance of your said Resolutions, I have issued a proclamation of which the one herewith is a Copy.

John Price, one of the greatest offenders as it hath been suggested, having got notice of persons being in search of him, had secreted himself and family and was about to remove with his effects. Whereupon I Judged it to be my duty, in consequence of the Resolutions aforesaid to issue the order for Sequestering his estate of which I have the Honor to lay before you a Copy. The Management of this business was committed to the Deputy Sheriff of Dobbs county, who, in the absence of his principal, he being then attending the State prisoners to this place, as I have been informed, hath taken possession of the real and personal estate of said Price, and among other things upwards of twenty negroes, these with sundry Horses will be liable to get away unless some particular attention is paid to them, and as Mr. White, the Sheriff, is now here, I submit to the Legislature the propriety of giving him some directions on this business.

RD. CASWELL.

Fayetteville, Dec. 8th, 1786.

The foregoing Message from His Excellency, the Governor, and the papers therein referred to being read, were referred to Messrs. Spaight, Hay and Maclaine, who are to report immediately, and to

bring in a Bill for the purpose of carrying into effect the resolution on this subject.

Ordered that the Bill to compel certain officers therein mentioned to publish the application of the public monies, &c., be read the Second time in this House To-morrow.

Mr. Hinton presented the petition of a Number of the Inhabitants of Wake county, which being read, Mr. Hinton moved for leave, and presented a Bill for adding part of Wake county to Franklin county, which was read the first time, passed and sent to the Senate.

On reading the petition of Thomas Wheelright Pearson,

Resolved, That the said Thomas Wheelwright Pearson be allowed the sum of One Hundred and fifty-seven pounds, it being for seven Thousand eight Hundred and fifty pounds weight of Tobacco borrowed of the said Pearson, in consequence of a Resolution of the General Assembly passed at Wake in the year 1781, and that the Treasurer pay the same, who shall be allowed therefor in the settlement of his Public Accounts,

Mr. Jos. Stewart presented the petition of Matthew Jones, which, being read, was referred to the Committee on Petitions and Memorials.

Mr. Jos. Stewart presented the petition of Samuel Gilmour, which, being read, was referred to the Committee of Claims.

The Bill for establishing a Town on the Lands of Andrew Bass, was read the third time, passed and sent to the Senate.

The Bill for establishing a Town on the Lands of William Petty, adjoining Chatham Court House, as laid off by the Trustees named in the Act of the last General Assembly entitled "an Act for establishing a Town on the Land of Mial Scurlock, deceased, in Chatham County; for appointing Commissioners for the regulation of the Town and repealing said Act," was read the third time, passed and sent to the Senate.

The Bill empowering Commissioners to dispose of the Land and Glebe, the property of St. John's Parish, formerly in the County of Bute, now in Franklin, was read the first time, passed and sent to the Senate.

Mr. Sitgreaves presented the Petition of Nathan Smith, which, being read, was referred to the Committee on Petitions and Memorials.

The Bill to authorize and empower William Murfree, formerly Sheriff of Hertford, now Hertford and Gates Counties, to collect the

arrears of Taxes due him, &c., was read the second time and rejected.

Ordered that Messrs. Wood, Bryan, Hill, Rew, McKenny, McKenzie, Sawyer and Hamilton be a Committee to amend the Bill to impower the County Court of Sampson to levy a further Tax on the inhabitants of said County, &c.

The Bill to impower the Wardens of the Poor in the County of Granville to sell the Glebe in said County, was read, amended, passed and ordered to be engrossed.

Ordered that the following Bills be read the second time in this House on Tuesday next, viz :

A Bill to establish a Public Inspection of Tobacco in the Town of Salisbury, &c.

A Bill for establishing an Academy at the place now called Martinborough, &c.

Mr. W. Hawkins moved for leave to withdraw for Amendment the Bill for erecting an Academy at the Town of Warrenton. Ordered that he have leave accordingly.

Received from the Senate the Petition of Matthew McClure. Endorsed in Senate "read and referred to Messrs. Hargett, Stone, Macon, Gillispie and Harris," which, being read, was referred to Messrs. Sloan, Philips, Phifer, Alexander and McDowall.

Received from the Senate a Resolve of that House directing that the Committee appointed to examine the prisoners, &c., be directed to admit no person to bail charged with embezzling the Public Money, which, being read, was concurred with.

Received from the Senate a Resolve of that House requesting the Speakers to inform the Continental Officers attending in Fayetteville their further attendance will be absolutely Necessary, &c., which, being read, was rejected.

The Bill to annex part of the County of Burke to Rutherford County, was read the second time, passed and sent to the Senate.

The Bill to release the Estate of John Anderson, Deceased, from a forfeiture of Recognizance, &c., was read the second time, amended, passed and sent to the Senate.

Resolved, That the Gentlemen appointed to examine Certain Prisoners confined in consequence of Resolutions of this Assembly on information of their having embezzled the property of this State be permitted and directed to communicate to the Gentlemen this

day appointed to prepare and bring in a Bill to carry the said resolutions into effect such facts and circumstances as may be deemed essential, to enable them to frame the Bill with propriety and that the last mentioned Gentlemen be under the same Injunction of Secrecy as the examiners.

Resolved, That the officers of the late Army attending here in consequence of the Governor's Proclamation be informed that this Assembly entertain a proper sense of their ready acquiescence to the command in the said Proclamation in order to aid the General Assembly in the discovery of frauds committed against the State and that the Speakers be requested to notify the same accordingly.

Ordered that the Bill for the inspection of Tobacco at Anson Court House lie over until Tuesday next.

Received from the Senate the representation of the officers at Fayetteville.

Mr. Polk presented the Petition of John Graham, which, being read, was referred to the Committee on Petitions and Memorials.

The additional Bill to an Act entitled "an Act to amend an Act passed at New Berne the first day of December, 1786, entitled 'an Act for establishing a School House in the Town of New Berne,' " was read the second time, amended, passed and sent to the Senate.

Mr. Rew moved for leave and presented a Bill for altering the manner of holding the Annual Elections for the County of Hyde, which was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committee on the Petition of Samuel Johnston, Nathaniel Allen and James Iredell, Executors of the last Will and Testament of Joseph Hews. Endorsed in Senate, "read and concurred with," which, being read, was concurred with by this House.

Received from the Senate a Resolve of that House directing the Treasurer to pay Hugh Stanley forty pounds, which, being read, was concurred with.

Received from the Senate the Message of this date from His Excellency the Governor. Endorsed in Senate "read and referred to Messrs. Gillispie, Hargett and Bledsoe."

The Bill to alter the method of punishing Horse Stealing, also, to repeal an Act entitled "an Act to prevent Horse Stealing," was read the third time, amended, passed and sent to the Senate.

Ordered that Mr. Rhodes be added to the Committee of Finance.



Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have added Mr. Rhodes to the Committee of Finance.

The Bill for erecting a prison in the County of Franklin, was read the first time, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

The Report of the joint Committee to whom were referred the Resolution of the Assembly of the State of Virginia, and other papers relative to a Canal proposed to be opened from the waters of Elizabeth to those of Pasquotank River, we send you herewith concurred with by this House, who have appointed on their part Messrs. Gallaway and Macon to assist in preparing a Bill agreeably to the tenor thereof.

At the same time received the Report referred to in the above, which, being read, was recommitted by this House; whereupon, the following Message was ordered to be sent to the Senate:

Mr. Speaker and Gentlemen :

We have received the Message of your House accompanied by the Report of the Committee relative to opening a Canal from the waters of Elizabeth River in the State of Virginia to Pasquotank River in this State, with which we do not concur, but propose that the report relative to this Subject be recommitted.

Received from the Senate the following Bills, vizt.:

A Bill to establish a Board to amend errors in Patents.

A Bill to alter and amend an Act passed at Hillsborough in May, 1783, entitled "an Act for repairing the Court House and prison in the Town of Salisbury for the District of Salisbury," and also, one other Act passed at NewBerne, 1784, entitled "an Act for levying a Tax in the Counties of Hillsborough and Salisbury districts for repairing the District buildings in the Towns of Hillsborough and Salisbury," &c.

A Bill to prevent the appointing too great a number of Justices of the Peace and to compel the Clerks of the several Counties in this State to make returns as herein directed.

A Bill vesting certain powers in the several County Courts within this State, severally endorsed in Senate "read the first time and passed."

Received also, A Bill vesting certain Lands therein mentioned in John Coleson, son of William Coleson, in fee simple. Endorsed in Senate "read the second time and passed."

The House adjourned till To-morrow Morning 10 O'clock.

Saturday, 9 December, 1786.

The House met according to Adjournment.

Received from the Senate a Bill for levying a Tax in the District of Edenton for building the jail of the said district, and for the purpose of discharging a balance due to the Executors of Joseph Hews, Deceased. Endorsed in Senate, "read the first time and passed."

Ordered that this Bill be read the first time in this House. The same was accordingly read the first time, passed and sent to the Senate.

Mr. Phifer presented the Petition of Andrew Kennedy, which, being read, was referred to the Committee of Propositions and Grievances.

Received from the Senate the Resolve of this House allowing Thomas Wheelwright Pearson the sum of one hundred and fifty-seven pounds concurred with.

Mr. Brown presented the Petition of James Fleeker, which, being read, was referred to the Committee of Propositions and Grievances.

Mr. J. G. Blount moved for leave and presented a Bill for improving the Navigation to NewBern, which was read the first time, passed and sent to the Senate.

Mr. J. G. Blount moved for leave and presented a Bill for erecting Bogue Barr and New River Inlets into a distinct Port by the Name of Swannsborough, which was read the first time, passed and sent to the Senate.

Mr. Phifer moved for leave and presented a Bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the County of Mecklenburgh, which was read the first time, passed and sent to the Senate.

The Bill to compel certain officers therein mentioned to publish the application of the Public Monies and allowances for insolvents was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

The Senate do not concur with you in referring the Claims of

Capt. Samuel Gilmore to the Committee of Claims, but propose that a Resolve herewith sent you, on that head, be adopted.

At the same time received the Resolve above referred to directing the Comptroller to issue a Certificate for such balance as may appear to be due said Gilmore, which, being read, was concurred with by this House.

Received from the Senate the Petition of Matthew Jones. Endorsed in Senate "read and referred as by the House of Commons."

Received also, the Report of the Committee of Propositions and Grievances on the Petition of Samuel Pitman, and the report on the Memorial of George McNeil. Endorsed in Senate "read and concurred with."

Ordered that the Bill to amend an Act for dividing Guilford County be read the second time in this House on Monday next.

The Honorable the Speaker laid before the House a Letter from the Rév. Robert Andrews and John Cowper, Esquire, Commissioner from the State of Virginia, appointed to confer with the General Assembly of this State relative to opening a Canal from Elizabeth to Pasquotank River, &c., which, being read,

Resolved, That Mr. McLaine and Mr. McKenzie be appointed on the part of this House to confer with Robert Andrews and John Cowper, Esquires, on the principles and draft of a Bill for opening a Navigable Canal between certain waters of this State and the State of Virginia to be submitted to the Legislatures of both States.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

This House have appointed Mr. Maclaine and Mr. McKenzie on their part to confer with the Rev. Robert Andrews and John Cowper, Esquires, on the Subject expressed in the Resolve herewith sent you and their Letter.

Mr. Davie presented the representation of Robert Fenner, Agent for the late line of this State, which, being read, was referred to a joint Committee. The members appointed on the part of this House for that purpose are Messrs. Spaight, Rhodes and Martin.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the papers before the Grand Committee relative to the Subject of Final Settlement Certificates, &c., be referred to

the Committee appointed on the representation of Robert Fenner, and that such Committee report as soon as possible.

The Bill vesting certain lands therein mentioned in John Coleson, Son of William Coleson, in fee simple, was read the second time, passed and sent to the Senate.

Received from the Senate a Bill to release the Estate of John Anderson, Deceased, from a forfeiture of recognizance, &c., and A Bill for establishing a Town on the Land of Robert Burton, Esq. Endorsed in Senate "read the second time and passed."

The House resumed the Consideration of the Report of the Committee on the Petition of Matthew Mosely and came to the following Resolution, vizt.:

Resolved, That the Treasurer of this State pay unto Matthew Mosely the sum of Sixty-six pounds thirteen shilling and four pence in discharge of two Bills of exchange for two hundred and fifty Dollars dated the 10th of May, 1777, drawn on the Continental Treasury by John Ashe, Esquire, late Treasurer of this State, in favor of John McNees and by him endorsed, the same being for Money advanced by the said Mosely for the use of this State to the said John McNees, then a Continental officer, together with Interest on the same at the rate of Six per Cent. per Annum; that the Treasurer take up the said Bills and be allowed therefor in the settlement of his Accounts with the Public.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We herewith send for your concurrence a Resolve of this House directing the Treasurer to pay Matthew Moseley a bill of exchange drawn in favor of John McNees, &c.

The bill to establish a fund for the support of the Academy at Hillsborough, and providing funds for other Academies, was read the second time, amended and sent to the Senate.

On the question, "Shall the Bill pass or not pass?" the yeas and nays were required by Mr. Wyatt Hawkins, which were as follows :

Yeas: Messrs. P. Robeson, J. G. Blount, W. Wood, Copeland, Creecy, Fulford, Rhodes, Polk, J. Robeson, Dauge, Richardson, Dickson, Cox, Willis, McKissick, Hill, McKenzie, Everagin, Toms, Hutchings, Scott, Spruill, J. Taylor, Davie, Cabarrus, Martin, Alexander, Frohock, Carson, Humphries (Currituck), Sloan, Pugh, McDowall, Vance, Eason, Hooper, and Grant—37.

Nays: Messrs. Ferreebee, Phillips, Westbrook, Avera, Bonds, Hamilton, Palmer, Bell, Z. Wood, Crawford, Holland, Dodd, Holmes, McKinne, Phifer, Yancey, P. Hawkins, Jos. Stewart, W. Hawkins, Franklin, Hinton, Pearson, Gardner, White, Jas. Stewart—25.

The Bill to make the securities therein named Negotiable, was read the second time, amended, passed and sent to the Senate.

The Bill vesting certain powers in the several County Courts within this State, was read the first time, passed and sent to the Senate.

The Bill to release the estate of John Anderson, deceased, from a Recognizance, &c., was read the third time, passed and sent to the Senate.

Mr. Phillips presented the representation & Petition of the Board of Commissioners for the Town of Tarborough, which, being read, Mr. Phillips moved for leave and presented a Bill to establish the late Survey and plan of Tarborough, as made and laid down by the directions of the Commissioners composing the Body Politic and Corporate of the said Town, and to amend an Act entitled "an Act for the better regulation of the Town of Tarborough," which was read the first time, passed and sent to the Senate.

Resolved, That Major Robert Fenner agent of Financial Settlement Certificates, and the Secretary of State, be directed to furnish the Committee appointed to examine the State prisoners with lists of the names of all persons now in their respective offices who have served in the Continental line of this State, and that the same lists be afterwards delivered to the Committee to inquire into the application of the last £100,000.

The House resumed the consideration of the Report of the Committee on the Claim of Reuben Grant, and came to the following Resolution, vizt:

Resolved, That Reuben Grant, Esquire, be allowed the Sum of Ninety pounds for a Negro Man Slave, condemned and caused to be executed by a Court called in the County of Onslow, at the Town of Swansborough for the purpose of trying the said Slave for a Capital offence committed by him; that the Treasurer pay him the same and be allowed.

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Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

The Senate have, pursuant to the letter from the Rev. Mr. Andrews and John Cowper, Esquire, Commissioners on the part of the State of Virginia, and the Message and resolutions of your House accompanying the same, appointed Messrs. Gallaway and Stokes to confer with the said Commissioners, and with them and the Gentlemen appointed of your body to report the form of a Bill relative to the opening a Navigable Canal between certain waters of that and this State.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

Pursuant to your proposition on that head, we agree that the Report of the Committee to whom were referred the Resolution of the Assembly of Virginia, and papers accompanying it, relative to the opening a Canal from the Waters of Elizabeth River, in that State to those of Pasquotank River, in this State, be recommitted.

Mr. Hawkins, from the Committee of Propositions and Grievances, delivered in the following Report :

Your Committee of Propositions and Grievances, to whom was referred the claim of William Boggan, after inquiring into the premises and examining the papers and duly weighing every circumstance relative thereto, are of opinion his claim is not properly authenticated ; therefore rejected.

All which is submitted.

WYATT HAWKINS, Chairman.

The House, taking this Report into consideration, concurred therewith.

Received from the Senate three Resolves of this House, concurred with, vizt :

A Resolve the Speakers to acquaint the officers attending at Fayetteville the General Assembly entertain a proper sense of their ready acquiescence to the command in the Governor's Proclamation, &c.

A Resolve appointing Messrs. Maclaine and McKenzie to confer with the Commissioners from Virginia, &c.

A Resolve the Gentlemen appointed to examine the prisoners to

communicate to the Gentlemen appointed to prepare and bring in a Bill to carry into effect the resolutions respecting the prisoners such facts and circumstances as may be necessary, &c.

Mr. Hawkins, from the Committee of Propositions and Grievances, delivered in a report on the Petition of James Tate—which, being read and amended, was agreed to—as follows, viz ;

Your Committee of Propositions and Grievances, to whom was referred the Petition of the Reverend James Tate, purporting the loss of a Certificate for the three hundred and fifty-eight pounds granted to him by the Commissioner of Army Accounts in consideration of his services as Chaplain in the late Continental line of this State, are of opinion that the said certificate was actually burned in the house of the said Petitioner by the late fire of Wilmington, and therefore recommend that a Certificate of the like kind and Amount be issued to the said James Tate in lieu of the one lost, the issuing of the said Certificate to be noted in his Check Book.

All which is submitted.

WYATT HAWKINS, Chairman.

Mr. Hawkins, from the Committee of Propositions and Grievances, delivered in the following Report, viz :

Your Committee of Propositions and Grievances, to whom was referred the Claim of Morgan Brown, are of opinion that the several charges mentioned in the Account laid before the Committee are not supported ; therefore reject his claim.

All which is submitted.

WYATT HAWKINS, Chairman.

The House, taking this report into consideration, concurred therewith.

Received from the Senate the Report of the Committee on the Petition of Isaac Davenport, Jonathan Phillips and John Davenport, and the report of the Committee on the claim of William Boggan. Endorsed in Senate, “ read and concurred with.”

Received from the Senate the Memorial of John Graham. Endorsed in Senate, “ read and referred as by the Commons.”

The House adjourned 'til Monday Morning 10 O'clock.

Monday, 11th December, 1786.

The House met according to adjournment.

Mr. McDaniel presented the Petition of a number of the Inhabi-

tants of Montgomery County, which, being read, was referred to the Committee on Petitions and Memorials.

Received from the Senate the Resolve of this House directing Mr. Fenner, Agent, &c., and the Secretary to furnish the Committee appointed to examine the prisoners with the names of the persons who served to the end of the War, &c., concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We agree that the papers before the Grand Committee relative to final settlement Certificates be referred to the Committee appointed on the representation of Captain Robert Fenner and that the said Committee report as by you proposed.

Received from the Senate a Resolve of that House for liberating Arthur Pierce, which, being read, was concurred with.

Received from the Senate the Petition of Andrew Kennedy, and the Petition of James Flecker. Endorsed in Senate "read and referred as by the Committee."

Received from the Senate the Petition of Elizabeth Shaw. Endorsed in Senate "read and referred to the Committee appointed to report on the Petition of Samuel Strudwick, Esqr.," which, being read, was referred as by the Senate.

Received from the Senate the Report of the Committee on the petition of Nathaniel Tooley, the report on the petition of James Lockhart, and the report on the petition of William Hollowell. Endorsed in Senate "read and concurred with," which, being read, was concurred with by this House.

Received from the Senate a Resolve of that House directing the Sheriff of Dobbs County to take into his safe keeping the property of Sundry persons who have been guilty of passing fraudulent Acc'ts, &c., which, being read and amended, by inserting the name of Thomas Butcher, was concurred with by this House.

Received from the Senate the report of the division of the Committee of Finance No. 3, which, being read, was ordered to be laid on the Table until To-morrow.

Mr. Davie moved for leave and presented a Bill to amend an Act entitled "an Act to amend an Act entitled 'an Act for ascertaining what property in this State shall be deemed Taxable property, the method of assessing the same and collecting public Taxes,' " which was read the first time, passed and sent to the Senate.



Mr. Wyatt Hawkins moved for leave and presented a Bill to annex a part of the County of Granville to Warren, which was read the first time, passed and sent to the Senate.

Mr. Vance presented the resignation of William Moore as Justice of the Peace for Burke County, which, being read, was accepted.

Mr. Hooper presented the Memorial of the Executors of Robert Hogg, Deceased, which, being read, was referred to the Committee of Claims.

Ordered that the order of the day for going into a Committee of the whole House on the Bill to carry into further effect an Act entitled "an Act for opening the Land office for the redemption of Specie and other Certificates and discharging the arrears due to the Army, be postponed until To-morrow.

The additional Bill to an Act entitled "an Act to amend an Act passed at New Bern the first day of December, 1766, entitled 'an Act for establishing a School House in the Town of New Bern,'" was read the third time, passed and sent to the Senate.

The Bill for establishing a Town on the Land of Robert Burton, Esquire, in the County of Granville, was read the third time, amended, passed and sent to the Senate.

The Bill vesting certain Lands therein mentioned in John Coleson, son of William Coleson, in fee simple, was read the third time, passed and ordered to be Engrossed.

The Bill to annex part of the County of Burke to Rutherford County, was read the third time, passed and ordered to be Engrossed.

Mr. P. Hawkins from the Committee to whom was referred the application of the Treasurer, delivered in a Report, which, being read, was ordered to lie on the Table.

The Bill to prevent the appointing too great a number of Justices of the Peace, and to compel the Clerks of the several County Courts in this State to make return as herein directed, was read the first time, passed and sent to the Senate.

Mr. Hooper from the Committee to whom was referred the Inhabitants of Orange County moved for leave and presented a Bill to direct the method to appoint Jurors and Surveyors to run out disputed Lands, which was read the first time, passed and sent to the Senate.

Received from the Senate a Bill to encourage David Ross, Es-

quire, of the Commonwealth of Virginia, to erect an Iron Manufactory on the North Fork of Holston river.

A Bill permitting the emancipation of slaves under certain Regulations therein mentioned. Endorsed in Senate "read the first time and passed."

Received from the Senate the report of the Committee of Propositions and Grievances on the claim of Morgan Brown. Endorsed in Senate "read and concurred with."

Received also, a Resolve of this House allowing Reuben Grant ninety pounds, and a Resolve directing the Treasurer to pay two Bills of exchange drawn in favor of John McNees to Matthew Mosely. Endorsed in Senate "read and concurred with."

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

The Gentlemen appointed to examine the State provisions being now ready to report we propose that both Houses meet immediately in the room where the Commons sit to receive their report and to confer together on the measure necessary to be taken on the contents thereof.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We agree that the General Assembly meet in conference as by you proposed in order to receive the report of the Committee appointed to examine the State prisoners, &c.,—

The Honorable the Speakers and Members of the two houses of the General Assembly assembled in conference, the Speakers being seated, Mr. Hooper proposed for Chairman Elisha Battle, Esquire, who was unanimously chosen and conducted to the chair accordingly; whereupon, Mr. Polk from the Committee appointed to examine the prisoners, delivered in the following Report, vizt.:

The Committee to whom was referred the examination of the State Prisoners beg leave to report—

That they have on oath examined the Persons whose names are herein inserted and whose depositions for the information of the General Assembly are subjoined and numbered, vizt.:

- |                           |                       |
|---------------------------|-----------------------|
| No. 1. William Faircloth, | No. 7. John McNees,   |
| No. 2. Thomas Butcher,    | No. 8. John Shepperd, |

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|                         |                           |
|-------------------------|---------------------------|
| No. 3. William Andrews, | No. 9. Benjamin Sheppard, |
| No. 4. James Homes,     | No. 10. John Macon,       |
| No. 5. Sherwood Barrow, | No. 11. Andrew Armstrong, |
| No. 6. Arthur Pierce,   | No. 12. Burwell Mouring.  |

Your Committee are of opinion that from the depositions marked and numbered as above, as well as from many other Circumstantial evidence they have had, that many wilful frauds have been committed by sundry persons in procuring Soldiers' Accounts, not only by forging the same and the orders, but wickedly employing by large rewards sundry others to write false Accounts and orders, whereby they might be able to obtain Monies from the public Treasury of this State.

Your Committee beg leave to suggest that it is their opinion from testimony given in, that the late Commissioners for Army Accounts were sensible that very large numbers of the accounts to them produced for settlement ought by them to have been rejected, which your Committee fear they have not done, and for which in their opinion they stand highly reprehensible.

Your Committee find that the Treasurer of this State was sensible that many of the Accounts passed by the Commissioners aforesaid were obtained in an illegal manner. That he at first did laudably and honestly refuse to pay off the due bills; but your Committee since find through his Clerks, Absalom Tatom and Anderson Hunt he has paid off nearly as many of the due Bills as he had Money to discharge and hath also made a deduction from five to twelve and a half per cent. for so doing, whereby he stands chargeable in the opinion of your Committee.

Your Committee beg leave to remark that they find by the papers marked and numbered 6 and 7, that Benjamin McCulloch and Henry Montfort previous to the passing of the Act of Assembly for reviewing the Board for settling Army Accounts did as well at New Bern as elsewhere, contract and agree with sundry individuals to pass their claims through the office for the one fourth and more, and that a receipt hath been given by Benjamin McCulloch to John McNees, wherein he actually promises to have sixteen or seventeen Accounts passed.

Your Committee are of opinion that such Contracts were unjust, and it appears that it was predetermined by the said Commission-

ers to pass the Accounts as well as all that could be purchased, as you will find by the deposition.

No. 6.—Whether the Act for reviving the Board of Commissioners had been passed or not.

Your Committee find by the depositions marked 1, 2, 5, 6, 7, 8 and 12 that Benjamin McCulloch hath asked and actually received the one-third, and in some instances one-fourth, part of the amount of the Accounts for passing them in the Commissioner's office and for drawing the Money whereby he has purloined a property to a very great amount, and that although the said McCulloch did promise to procure and draw the Monies for the due Bills which he passed, yet your Committee find that the Individuals have been obliged to give ten and twelve per centum for drawing the same from the Treasury office. Your Committee, in their investigation of the conduct of the Commissioners, have not discovered that John Macon, one of the board, hath at any time received either part of those fraudulent Accounts or other reward for passing the same.

Your Committee have it not in testimony that Colonel Archibald Lyttle or Major Reading Blount, who have signed a greater part of the fraudulent Accounts, have received any gift or reward for the same, or have been promised any.

Your Committee have it in testimony that Captain John McNees hath signed almost the whole of the fraudulent accounts, and that he hath done the same knowing them to be such; that he has signed many Accounts whilst they were blank for sundry persons, and that he hath also furnished orders for drawing the same from the Commissioner's office

Your Committee have it in testimony that Captain Jesse Reid, of Halifax, did sign twenty blank Soldiers' Accounts for Captain Sherwood Barrow, the principal part of the same being for the War, for for which service the said Barrow did give him two Military Land Warrants for Six hundred and forty Acres each.

Your Committee have, in order to more clearly show the conduct that hath been pursued by the different persons concerned in those disgraceful transactions, and to discover to the General Assembly in whose hands the Monies have rested, beg leave to state the

proceedings on the Accounts of William Faircloth as an instance, vizt :

|                                                                                                                                  |                |
|----------------------------------------------------------------------------------------------------------------------------------|----------------|
| We find that he hath law Accounts before the Commissioners to the amount of . . . . .                                            | £71,369 / 7 11 |
| That the Commissioners have deducted for paying the same . . . . .                                                               | 23,789 15 11½  |
| There will then remain for Mr. Faircloth in Due Bills and Certificates . . . . .                                                 | 47,579 11 11½  |
| Deduct one-fourth of the same, the amount of the due Bill part . . . . .                                                         | 11,894 17 11½  |
| Then deduct 10 per Cent. for the Treasurer for paying . . . . .                                                                  | 1,189 9 9      |
| You will then find that Mr. Faircloth, out of £17,-842 /6 11d, the Money part of his Acco'ts rendered, hath drawn only . . . . . | 705 8 2½       |
| There then remains in the hands of the Commissioners in Certificates . . . . .                                                   | 17,842 6 11    |
| And in Money . . . . .                                                                                                           | 5,947 8 11½    |

All which is submitted.

GRIFFITH RUTHERFORD.  
ISAAC GREGORY.  
WILL. POLK.  
A. NEAL.

The Committee of the two Houses, taking this Report into consideration, concurred therewith.

Resolved, That Messrs. Maclaine, Hay, Davie, P. Hawkins, and Hooper be a Committee to state and arrange the Testimony contained in the Depositions laid before the Committee of the two Houses by the Committee appointed to examine the prisoners, and to which their report refers.

The business of the conference being ended, the Speakers resumed their chairs, and Mr. Chairman reported the resolutions which the Committee came to on the subjects under their consideration ; whereupon,

Resolved, That the same be concurred with.

Mr. Speaker and the Members of the Senate then withdrew.

Resolved, That Messrs. Cabarrus and Martin be appointed to

examine the Prisoners, &c., in the room and stead of Messrs. Polk and Neal.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have appointed Messrs. Cabarrus and Martin to examine the prisoners, &c., in the room and Stead of Messrs. Polk and Neal.

Resolved, That the persons appointed to examine the State prisoners furnish his Excellency the Governor with the names of all such now in confinement as they may deem proper to be admitted to Bail, to the end they may be bailed accordingly and bound to appear as witnesses against the others, if need be ; and that they furnish his Excellency with the names of all such now at large who have been crimated before them in such manner as to make the apprehension of such persons expedient ; and that Warrants be issued for that purpose as soon as possible.

Resolved, That this House do approve of the conduct of the Committee in committing to close confinement Mann Phillips, and that he remain so confined until the further order of the General Assembly.

The House adjourned 'til To-morrow Morning 10 O'clock.

Tuesday, 12th December, 1786.

The House met according to adjournment.

Mr. Thomas Brickell, one of the Members for Hertford County, appeared, was qualified and took his seat.

Ordered that Mr. Montfort be allowed time until Thursday next to show cause, if any he can, why his seat in this House should not be vacated in consequence of the criminal matters imputed to him in the report of the examiners yesterday delivered into this House, and in the meantime that he shall have access to the depositions in the report mentioned in the hands of the Committee appointed to arrange the Testimony, &c.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the General Assembly proceed to Ballot on Saturday next at 3 o'clock for the place at which the next General Assembly shall be held, for a Governor, Delegates to represent this State in Congress, and a Treasurer,

Resolved, That the examiners be directed to inquire whether Blank Land Warrants were ever issued from the Secretary's office, and into other supposed abuses relative thereto in the said office committed, and that in the investigation of these matters they particularly call on and examine Colonel Mitchell, of Onslow; and that they be further directed to examine Mann Phillips with respect to Mr. Glasgow, or any of his deputies, being privy or in any wise concerned with the making out of the fraudulent Accounts that were fabricated in his office.

Received from the Senate the Memorial of Jephtha Terrell and the Petition of John Hinton. Endorsed in Senate, "read and referred to the Committee on Petitions and Memorials;" which petitions, being read, were referred as by the Senate.

Mr. Hooper moved for leave and presented a Bill for reprinting and republishing the Acts of the Assembly of the State, which was read the first time, passed and sent to the Senate.

Mr. Sitgreaves moved for leave and presented an additional Bill to an Act entitled "an Act for the regulation of the Town of New Bern, and for other purposes," which, was read the first time, passed and sent to the Senate.

Mr. Spaight presented the Memorial of William Wood, which, being read, was referred to the Committee of Claims.

Mr. Sitgreaves moved for leave and presented a Bill to emancipate Hannah, alias Hannah Bowers, a person of mixed blood belonging to the estate of the late Alexander Gaston, deceased, which was read the first time, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen :

We propose that the propriety of passing into a Law the Bill now before this Assembly for dividing Bladen County be submitted to a Committee, and have for that purpose on our part appointed Messrs. Medlock, Thomas Armstrong and Gillespie a Committee who will act jointly with such of your Body as may be appointed for this purpose.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We agree that the propriety of dividing Bladen County be submitted to a Committee, and have on our part for this purpose

appointed Messrs. Dixon, Rhodes, Bloodworth, McDowell, and Phifer.

Mr. Spaight, from the Committee to whom were referred the state of the representation in Congress, delivered in the following report, vizt :

The Committee to whom were referred the state of the representation in Congress, and the Letters from the Delegates, beg leave to report—

That having examined the present situation of the Delegates, they find that the Salaries allowed for their support is by no means adequate to the purpose of enabling them to perform the duty which the County expects and their appointments require of them, they find that the present Salary of a delegate is sixty-four pounds per month paid by warrants on the Treasury, which they often find great difficulty in getting the Money for, owing to the want of Money in our Treasury. When they receive it, it is in a Currency that does not pass without the bounds of the State, and for it Specie cannot be obtained under twelve shillings for a hard dollar, or a deduction of one third from their monthly allowance reduces it to forty-two pounds thirteen shillings and four pence, a sum by no means adequate to their incidental expenses in the character they have to support as the representatives of the sovereignty of a free and independent State. And we conceive it to be from this cause that our representation in Congress has not been so constant or so full as it ought to have been, nor can we presume, that the public can expect or wish that any individual should devote his time to the service of the public, and at the same time be obliged to have recourse to his private fortune for his support, which has been assuredly the case with such of our Delegates as have done their duty for these three years past.

Your Committee beg leave to state the difference between the Delegates and the other officers of Government :

The former from the nature of their office have their duty to perform in another State where their expenses are great and nothing but hard Money will pass at a distance from their property which generally yields less profit from the absence of the owner; whilst on the contrary the other officers of Government perform their duty within the State where the Money they receive for their Salaries is the only circulating medium and also enjoy the advan.



tage of Superintending their own affairs and few of them are put to any more expense by the office they hold than they would have to bear, were they without it.

Your Committee highly sensible of the importance of keeping up a representation in Congress as it not only concerns the interest of this State but of the United States, are therefore of opinion that the Delegates should receive their Salary in hard Money, to be paid them in New York, or wherever Congress may sit, in payments of one Month's Salary in advance and in order that the State may be enabled to pursue this mode of payment they recommend that His Excellency the Governor be authorized and empowered to make a Contract with some Person or Persons to Make the aforesaid payments, who shall give sufficient Security for the faithful and punctual performance of his or their Contract, and that the Governor be enabled to fulfil the Contract in behalf of the State by drawing Warrants on the Treasury in favor of the Person or Persons he may contract with, and to carry into full effect the above plan, your Committee present the draft of a Bill for that purpose.

RICHARD DOBBS SPAIGHT, Chmn.

The House taking this Report into consideration concurred therewith.

Mr. Spaight moved for leave and presented a Bill for the better and more punctual payment of the Salaries of the Delegates in Congress, which was read the first time, passed and sent to the Senate.

Received from the Senate the following Bills, vizt.:

A Bill to confirm unto Richard Dobbs Spaight an indefeasible title to certain Lands therein mentioned in Bladen County.

A Bill to direct the method to appoint Jurors and Surveyors to run out disputed lands, and a Bill to amend an Act entitled "An Act to Amend an Act entitled 'an Act for ascertaining what property in this State shall be deemed Taxable property, the method of assessing the same and collecting public Taxes.'" Endorsed in Senate "read the first time and passed."

Received from the Senate the Memorial of the Executors of Robert Hogg, Deceased, the Petition of a number of the Inhabitants of Montgomery County, and the Petition of John McNeil. Endorsed in Senate "read and referred as by the House of Commons."

Received from the Senate the Resolve of this House, directing the

Committee appointed to examine the prisoners, &c., to furnish His Excellency the Governor, with the names of such Prisoners as might be admitted to Bail, &c., concurred with.

Received also, the resignation of William Moore, Justice of the Peace for Burke County. Endorsed in Senate "read and accepted."

Mr. Hooper presented the resignation of Thomas Bloodworth, as Colonel of New Hanover County, and as a Justice of the Peace, which, being read, was accepted by this House.

The order for the day for going into a Committee of the whole House to take up for the Second reading the Bill to carry into further effect an Act entitled "An Act for opening the Land office for the redemption of Specie and other Certificates and discharging the arrears due to the Army," being called for and read,

Resolved, That the House Resolve itself into a Committee of the whole House to take up for the second reading the said Bill, the House Resolved itself into a Committee of the whole House accordingly, and chose John Sitgreaves, Esqr., Chairman. After some time spent therein, Mr. Speaker resumed the Chair and Mr. Chairman Reported—

That it was the opinion of the Committee that the Bill should pass the Second reading, whereupon, the Bill was taken up and read the Second time, amended, passed and sent to the Senate.

On reading this Bill, it was moved and seconded that the blank wherein the Sum to be paid for each 100 Acres of Land to be entered should be filled up with the words, "Ten Pounds," which was objected to, and a larger Sum proposed. The question being put, was carried in the negative, whereupon the yeas and nays were required by Mr. Phifer, which are as follows, vizt:

Yeas: Messrs. Dixon, Hill, Withrow, Holland, Montfort, J. Taylor, Davie, Phifer, Alexander, Franklin, Frohock, Carson, Sloan, McDowell, Vance, Gardner, White, Jas. Stewart, Clinch, Burke, and Brickell—21.

Nays: Messrs. Spaight, P. Robeson, Hay, J. G. Blount, W. Wood, Ferree, Copeland, Creecy, Winslow, Fulford, Whitfield, Rhodes, Polk, Phillips, J. Robeson, Dickens, Sawyer, Hall, Dauge, Anderson, Richardson, Ransom, Avera, Cox, Randall, Willis, McKessick, McKenzie, Bonds, Bell, McDonald, Z. Wood, Crawford, Everagin, Toms, Dodd, Hutchings, Scott, Spruill, Holmes, McKinne, Cabarus, Sitgreaves, Lanier, Yancey, P. Hawkins, Jos. Stewart, Isler,

Hinton, Pearson, Humphries (of Currituck), Pugh, MacLaine, R. Blount, W. Hawkins, Williams, Eason, Brown, Hooper, Grant, Bethell, Bloodworth—62.

It was then moved that the blank should be filled up with the words, "Twenty Pounds," which was also objected to, and a larger sum proposed. The question being put, was carried in the affirmative, whereupon the yeas and nays were required by Mr. J. G. Blount, which are as follows :

Yeas : Messrs. Spaight, P. Robeson, Polk, J. Robeson, Dickens, Sawyer, Hall, Richardson, Dickson, Ransom, McKessick, Hill, Bell, Withrow, Z. Wood, Holland, Montfort, Hutchings, Scott, Holmes, Davie, Phifer, Jos. Stewart, W. Hawkins, Franklin, Frohock, Carson, Pearson, Humphries (of Currituck), Sloan, McDowell, Vance, Gardner, White, Jas. Stewart, Brown, Clinch, Bethell, Perkins, Brickell—40.

Nays : Messrs. Hay, J. G. Blount, W. Wood, Copeland, Creecy, Winslow, Fulford, Rhodes, Whitfield, Phillips, Avera, Cox, Randall, Willis, McKenzie, Bonds, McDonald, Crawford, Everagin, Toms, Spruill, McKinne, Cabarrus, Sitgreaves, Lanier, Alexander, Yancey, P. Hawkins, Hinton, Pugh, MacLaine, R. Blount, Williams, Eason, Hooper, Grant, Bloodworth, West—38.

Received from the Senate the following Messages :

Mr. Speaker and Gentlemen :

The Senate have on their part appointed Messrs. Gillespie and Hargett to examine the State prisoners in the stead of Generals Rutherford and Gregory.

Mr. Speaker and Gentlemen :

We agree that the General Assembly ballot at the time by you proposed for a Governor of this State, Delegates to represent this State in Congress, and for the place where the next Assembly shall be held. And put in nomination for Governor the Honbl. Richard Caswell, Esquire ; for Delegates, Abner Nash, Alexander Martin, Timothy Bloodworth, Nathaniel Macon, Robert Burton, William Blount and John B. Ashe, Esquires, and for the place where the next Assembly shall be held, the Towns of Hillsborough, Fayetteville, Tarborough, Warrenton, NewBern, Salisbury and Edenton. It is not the wish of this House to ballot for a public Treasurer at the time by you proposed.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have added to the nomination for Delegates by you made James White, William Walters, Stephen Moore, John Steel, Thomas Polk and James Holland, Esquire.

Received from His Excellency the Governor the following Message :

To the Honorable the General Assembly :

Gentlemen :

This accompanies certain resolutions of the United States in Congress assembled, in favor of Colonel Stephen Moore, with a statement of his Account with the United States as entered in the Register's office and the Register's certificate.

Permit me to recommend as speedy a determination on this business as the nature of the case will admit of.

RD. CASWELL.

At the same time received the Acco'ts of Stephen Moore, Esquire, above referred to, which were referred to a joint Committee. The Members appointed on the part of this House are Messrs. Spaight, Hooper, Blount and Sitgreaves.

Received from the Senate the Memorial of William Wood. Endorsed in Senate "read and referred as by the Commons."

Received from the Senate a bill for the better and more punctual payment of the Salaries of the Delegates in Congress. Endorsed in Senate "read the first time and passed," and a bill to compel certain officers therein mentioned, to publish the application of the public monies and allowances for insolvencies. Endorsed "read the second time and passed."

The House Adjourned 'til Monday Morning 10 O'clock.

Wednesday 13 December, 1786.

The House met according to adjournment.

Received from the Senate the following Bills, vizt.:

A bill for reprinting and republishing the Acts of Assembly of this State.

An additional bill to an Act entitled "an Act for the regulation of the Town of NewBern," and for other purposes.

A bill to emancipate Hannah, Alias Hannah Bowers, a person of

mixed Blood belonging to the estate of Alexander Gaston, Deceased. Endorsed in Senate "read the first time and passed."

Received from the Senate the report of the Committee appointed to examine the prisoners, &c., and the resolutions of the joint Committee in Conference relative thereto, concurred with.

The Bill to establish a Public Inspection of Tobacco in the Town of Salisbury, in Rowan County, was read the second time, amended, passed and sent to the Senate.

The bill for the Inspection of Tobacco at Anson Court House was read the second time, amended, passed and sent to the Senate.

Mr. J. G. Blount moved for leave and presented a Bill for amending an Act entitled "an Act for emitting One Hundred Thousand Pounds for the purposes therein mentioned, and for appropriating the Tobacco lately purchased by the Commissioners to discharge the Interest of this State's Quota of the foreign Debt and for making effectual provision for the future discharge of this State's Quota of the principal and Interest of the Foreign Debt," which was read the first time, passed and sent to the Senate.

Mr. P. Hawkins moved for leave and presented a Bill for extending the Boundary Line between this State and the State of South Carolina, which was read the first time, passed and sent to the Senate.

The order of the day for reading for the second reading the bill for raising Troops for the protection of the Inhabitants of Davidson County, being called for, on motion of Mr. Polk the second reading thereof was postponed until Saturday next.

Received from the Senate the bill to erect and establish an Academy in the County of Franklin, and a Bill for erecting a prison in the County of Franklin.

A bill for levying a tax in the district of Edenton for building the Jail of the said district. Endorsed in Senate "read the second time and passed."

Received from the Senate the Message from His Excellency the Governor, with the resolutions of Congress and the Acc'ts of Stephen Moore, &c. Endorsed in Senate "read and referred to Messrs. John Armstrong, Macon and Mitchell."

The Bill to amend an Act for dividing Guilford County, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the resignation of Thomas Bloodworth, as Colonel and Justice of the Peace, &c., concurred with.

Received also, the Resolve of this House directing the examiners to enquire whether blank Land Warrants were ever issued from the Secretary's Office, &c., concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We propose that the resolution of the General Assembly of the 11th instant herewith sent you be amended by deleting the word "*by*" in the sixteenth line of the first page thereof, and inserting the words "*belonging to,*" in the place thereof. Our wishes on this head have been occasioned by a representation that several Houses are now in this Town the property of those mentioned in the said Resolve, which the Sheriff as the Resolve now stands, is not authorized to seize.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We agree to the alteration by you proposed to be made in the Resolve of the 11th Instant.

Mr. Sitgreaves presented the Petition of Henry Peers, which, being read, was referred to the Committee of Claims.

Received from the Senate the Memorial of Sarah Rounsavall. Endorsed "read and referred to a Special Committee. The Members chosen are Mr. Macon and Mr. Harris," which, being read, was referred to Messrs. Frohock, Alexander and Carson on the part of this House.

Received from the Senate a Resolve of that House requesting His Excellency the Governor, to issue a Proclamation offering a reward for taking and bringing to justice John Price, of Dobbs County, &c., which, being read, was concurred with.

Received from the Senate the report of the Committee on the Petition of Matthew McClure. Endorsed in Senate "read and concurred with," which, being read, was recommitted by this House.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We have received and considered the report of the Committee on the Petition of Matthew McClure, which we have not concurred

with, but propose that it be recommitted; and as Mr. McClure's is a Claim against the United States which ought to be settled by a Commissioner appointed by Congress, we propose further that the Committee report a sum of money to be advanced him on loan, which he shall account for and pay after he shall make such settlement.

Received from the Senate the Petition of William Wafford. Endorsed in Senate "read and referred to Messrs. Hill, Riddick, Martin and Hines," which, being read, was referred on the part of this House to Messrs. McDowell, Vance, Perkins, McKissick and Sloan.

The resignation of Needham Bryan as Justice of the Peace for Johnston County, was read and accepted by this House.

Received from the Senate the Petition of John Randle. Endorsed in Senate "read and referred to the Committee of Propositions and Grievances," which, being read, was referred as by the Senate.

Mr. Polk presented the Petition of William T. Lewis, which, being read, was referred to the Committee on Petitions and Memorials.

Mr. West who had leave to withdraw for amendment the Bill to extend three Acts passed at the last General Assembly held at New Bern concerning the County Wardens of the Poor, Tobacco Inspection and for destroying Vermin in certain Counties therein mentioned, to the County of Chatham, delivered in the said bill, which was read with the amendments, passed the first reading in this House and was sent to the Senate.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

We have received and rejected the Report of the Committee of Propositions and Grievances on the Petition of the Reverend James Tate, and propose the Resolution herewith sent you in lieu thereof.

At the same time received the Resolve above referred to, which, being read, was agreed to in the words following, vizt.:

Whereas, it appears to this General Assembly that a Certificate granted by the Commissioners of Army Accounts to the Revd. James Tate for the Sum of Three Hundred and fifty-eight pounds for his services as Chaplain in the late Continental Army, and which remained the property of Mr. Tate was consumed by the late fire in Wilmington and is now wholly lost, therefore

Resolved, That the Treasurer pay unto the Revd. James Tate the sum of Eighty-nine pounds ten shillings, being the one fourth part of the Certificate lost, and that the Comptroller issue to Mr. Tate a Certificate for the other three fourths of the Claim aforesaid, for which this shall be their warrant.

On the question to agree to this Resolve the yeas and nays were required by Mr. Bonds, which are as follows, vizt.:

Yeas: Messrs. Spaight, Hay, J. G. Blount, W. Wood, Creecy, Whitfield, Rhodes, Sawyer, Richardson, Dickson, Avera, Randal, Willis, McKissick, McKenzie, Bell, Withrow, Everagin, Dodd, Scott, Holmes, McKinnie, Sitgreaves, Phifer, Carson, Isler, Hinton, Sloan, Pugh, R. Blount, Jas. Stewart, Grant, Lewis, Clinch, Bloodworth.—35.

Nays: Messrs. Neal, Fulford, Phillips, Dickens, Dauge, Ransom, Bonds, Palmer, McDonald, Toms, J. Taylor, Lanier, Yancey, P. Hawkins, Reading, J. Stewart, W. Hawkins, Franklin, Pearson, Humphries, (C.) Humphries, (W.) McDowell, Vance, Gardner, Williams, Eason, Brown, Long, West, Brickell.—29.

The Bill permitting the emancipation of Slaves under Certain regulations therein mentioned, was read the first time and rejected.

On the question shall this Bill pass or not pass, the yeas and nays were required by Mr. Gardner, which are as follows, vizt.:

Yeas: Messrs. Hay, W. Wood, Winslow, Rhodes, Sawyer, Richardson, McKenzie, Z. Wood, Holmes, McKinne, Sitgreaves, Phifer, Alexander, Gardner, Grant, Bloodworth, Perkins.—17.

Nays: Messrs. Spaight, P. Robeson, Neal, J. Bloodworth, Ferebee, Creecy, Fulford, Whitfield, Polk, Phillips, Dickens, Hall, Dickson, Bryan, Ransom, Avera, Cox, Randal, McKissick, Bonds, Hamilton, Bell, Withrow, McDonald, Toms, Dodd, Hutchings, Scott, Spruill, J. Taylor, Lanier, Yancey, W. Hawkins, Franklin, Carson, Isler, Hinton, Pearson, Humphries, (C.) Sloan, Pugh, Humphries, (W.) McDowell, Vance, R. Blount, Williams, White, James, Stewart, Eason, Lewis, Clinch, Long.—55.

The Bill to vest certain Salt Springs and Licks in the Trustees of Davidson Academy and their successors for the use of the said Academy, was read the second time, passed and sent to the Senate.

Mr. Winslow moved for leave and presented a Bill to erect a District Court of Law and Equity at Fayetteville, which was read the first time, passed and sent to the Senate.



Ordered that the bill to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents be read the third time in this House to-morrow.

The House resumed the Consideration of the report of the Committee on the claim of Reuben Searcy. Ordered that it be recommended.

Mr. Hay moved for leave and presented a Bill to render amenable to law and to secure their Estates so as to be answerable to the Justice of the General Assembly persons therein mentioned, accused of certain crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance of certain resolutions of this Assembly from vexatious suits and prosecutions and to establish a Board for the detection and further discovery of the said fraudulent practices and for settling and liquidating the Accounts of the Officers and Soldiers of the Continental Line, which was read the first time, passed and sent to the Senate.

The Bill for establishing an academy at the place now called Martinsborough, in the County of Pitt, and for altering the name of Martinsborough to that of Greenville, was read the second time, amended, passed and sent to the Senate.

It having been represented to this House that the Sheriff of Dobbs, has seized as the property of Benjamin Shepperd a Horse, which is the bona fide property of a certain Captain Martin of the State of Maryland, it is the sense of this House that the Sheriff should enquire into the premises and if the said Horse to him on enquiry appears the property of the said Martin that he be accordingly restored.

Resolved, That the following persons who were employed under Major Richard McKinne and Captain David Dodd in apprehending certain persons in Dobbs County who had been guilty of embezzling the public Money, be allowed for the said service as follows, vizt.:

John Crumpler, Three pounds four shillings.

Joseph Scott, Three pounds four shillings.

Thomas Clinton, Three pounds four shillings.

James Thompson, Two pounds eight shillings.

Barabee McKinne, Three pounds four shillings.

John Everitt, Two pounds eight shillings.

Joseph Everitt, Three pounds four shillings.

John Beck, Three pounds four shillings.

William Fellows, Two pounds eight shillings.

John Fellows, Two pounds eight shillings.

David Cogdell, Two pounds eight shillings.

John Sasser, Two pounds eight shillings.

William Boykin, Three pounds four shillings.

That the Treasurer pay the same for which he shall be allowed in the settlement of his public accounts.

Ordered that the Bill to establish a Board to amend Errors in Patents be read the second time in this House To-morrow.

Received from the Senate a bill for dividing the County of Bladen. Endorsed in Senate "read the second time and passed."

The House adjourned 'til To-morrow Morning 10 O'clock.

Thursday 14 December, 1786.

The House met according to adjournment.

Received from the Senate a Bill to erect a District Court of Law and Equity at Fayetteville.

A Bill to establish the late Survey and Plan of the Town of Tarborough, &c., and a Bill for extending the boundary line between this State and the State of South Carolina. Endorsed in Senate "read the first time and passed."

Received from the Senate the Petition of Henry Purs, and the Petition of William T. Lewis. Endorsed in Senate "read and referred as by the Commons."

Received also, the resignation of Needham Bryan as Justice, &c. Endorsed in Senate "read and accepted."

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We agree that the report of the Committee on the Petition of Matthew McClure be recommitted, and that the Committee be directed to report him a sum of Money on loan as by you proposed.

Mr. Hooper moved for leave and presented a Bill to prevent long and extensive Credits, which was read the first time, passed and sent to the Senate.

Resolved, That no private bill, Petition or Memorial shall be received after Monday next.

Resolved, That the Clerk of this House, every Morning, furnish the Speaker with the order of the day extracted from the Journal, in which all public bills shall stand first in order, and all County

or private Bills in the order they are noted to be read, with respect to each other.

Resolved also, That as it will be necessary to sit after Night after Monday next, that the waiters be directed to prepare a sufficient number of Sconces and Candles for that purpose.

The Bill to compel certain officers therein mentioned, to publish the application of the public Monies and allowances for Insolvents, was read the third time, amended, passed and sent to the Senate.

Received from the Senate the Petition of James Christian. Endorsed in Senate "read and referred to the Committee on Petitions and Memorials," and the Memorial of Thomas Harris. Endorsed in Senate "read and referred to the Committee appointed on the Petition of Sarah Rounsavall." These Petitions being read were referred as by the Senate.

Received from the Senate a Resolve of that House requesting the Honorable Timothy Bloodworth and James White, Esquires, to attend the General Assembly Conference on Friday next, &c., which, being read, was concurred with.

Received from the Senate the resignation of George Myrick, a Justice of the Peace for New Hanover County. Endorsed in Senate "read and accepted," which, being read, was accepted by this House.

The Bill to establish a Board to amend Errors in Patents, was read the second time, amended, passed and sent to the Senate.

The Bill to prevent the obtaining of Grants of Lands lying in the Western Parts of this State to the prejudice of the first enterers, which Lands have been entered in the office lately established for receiving Entries of Claims of such Lands by an Act for opening the Land office for the redemption of Specie and other Certificates, and for discharging the Arrears due to the Army, was read the second time, passed and sent to the Senate.

Received from the Senate the report of the Committee on the representation of Thomas Brickell impeaching certain Justices of the Peace in Franklin County, which, being read, was ordered to lie on the Table until to-morrow.

The Bill for reprinting and republishing the acts of Assembly of this State, was read the second time, amended, passed and sent to the Senate.

Ordered that the Bill to direct the method to appoint Jurors and

Surveyors to run our disputed lands, be read the second time in this House on Monday next.

Mr. J. G. Blount moved for leave and presented a Bill to impose a duty on all Slaves brought into this State by Land or Water, which was read the first time, passed and sent to the Senate.

The Bill to amend an Act passed at New Bern in December 1777 entitled "an Act directing the Method of Electing Members of the General Assembly and other purposes," was read the first time, passed and sent to the Senate.

The Bill for the better and more punctual payment of the Salaries of the Delegates in Congress, was read the second time, passed and sent to the Senate.

Ordered that the reading of the Bill to Amend an Act entitled "an Act to amend an Act entitled 'an Act for ascertaining what property in this State shall be deemed Taxable property'" &c., the second time, shall be considered as the order of the day on Monday next.

Ordered that the Bill for levying a tax for the support of the Government, and for the redemption of old paper Currency, &c., be read the second time in this House on Monday next.

The Bill to repeal the thirteenth section of an Act passed at New Bern in October, in the year 1784, entitled "an Act for raising a public revenue for the Support of Government, and to repeal an Act entitled 'an Act to suppressive excessive gaming,'" was read the second time, passed and sent to the Senate.

Received from the Senate the petition of John Beck. Endorsed "In Senate read and referred on the part of this House to Messrs. Herritage and Moring," which being read was referred on the part of this House to Messrs. McKinne, Dodd and Whitfield.

Resolved that the examiners of the State prisoners be directed to re-examine any persons (who have been already examined) upon any interrogatories to be drawn up in writing by the Committee appointed to State and arrange the Testimony of the said prisoners that shall be presented to the examiners for that purpose.

Received from the Senate a Bill to prevent long and extensive Credits. Endorsed "in Senate, read the first time and passed."

Received from the Senate the Resolve of this House allowing certain persons therein mentioned the several sums annexed to their

respective names who were employed under Major McKinne and Captain David Dodd in apprehending sundry Persons in Dobbs county. Concurred with.

Received from the Senate the report of the Committee appointed to examine and report the propriety of passing a Bill for dividing Bladen county. Endorsed "in Senate, read and Concurred with, which being read, was Concurred with by this House."

The Bill for dividing the county of Bladen, was read the second time, passed and sent to the Senate.

Received from the Senate the Resolve of this House directing the examiners to re-examine the said prisoners upon any interrogatories, &c. Concurred with.

Received from the Senate a Bill to amend an Act for dividing Guilford county. Endorsed "in Senate, read the second time, and passed."

Received from the Senate a Bill to render amenable to law and secure their Estates so as to be answerable to the Justice of the General Assembly persons therein mentioned accused of certain crimes and fraudulent practices, &c., &c.

A Bill to consign to oblivion the misconduct of the Inhabitants of Washington and Sullivan and Greene, and

A Bill to impose a duty on all Slaves brought into this State by Land or Water. Endorsed "in Senate, read the first time and passed."

Mr. Henry Montfort having been allowed until this day to make his defence and confute the charges exhibited against him in the report of the Committee appointed to examine the prisoners. Mr. Montfort being called upon to introduce such Testimony as he had to offer, which he accordingly did, but the House not thinking them sufficient to exonerate him from such charges, proceeded to determine whether he should keep his seat as a Member of the House or not, when it was resolved that his seat be vacated and himself expelled from the House.

The House adjourned til to-morrow morning 10 O'clock.

Friday 15th December, 1786.

The House met according to adjournment.

Mr. Winslow presented the petition of James Hogg which being read, Mr. Winslow moved for leave and presented a Bill for alter-

ing the names of Walter Hogg and Gavin Hogg to Walter Alves and Gavin Alves, which was read the first time, passed and sent to the Senate.

Mr. J. Taylor moved for leave, and presented a Bill for the better regulation of the town of Hillsborough, which was read the first time, passed and sent to the Senate.

Ordered that a writ of Election issue to the county of Warren for the Election of one Member of this House in the room and stead of Mr. Henry Montfort whose seat is vacated, that the said election be held on the 29th and 30th inst.

Mr. McKinne moved for leave and presented a Bill for the Inspection of Tobacco at Joseph Green's in Wayne county, which was read the first time, passed and sent to the Senate.

Mr. Dickens moved for leave and presented a Bill to amend an Act entitled "an Act to empower the County Courts of Pleas and quarter Sessions in the several counties in this State, to order the laying out of public Roads, and to establish and and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks," which was read the first time, passed and sent to the Senate.

Mr. McDowell presented the Memorial of John B. Ashe and Jas. Gray, Executors, &c., which, being read, was referred to Messrs. McDowell and Blount.

Mr. McDowell moved for leave and presented a Bill to Authorize and impower the County Commissioners in the several counties in this State to Collect the Arrears of Specific Taxes for the years 1780, 1781 and 1782, which was read the first time, passed and sent to the Senate.

Mr. Hamilton presented the petition of Jeremiah Field and Robt. Field, which being read, Mr. Hamilton moved for leave, and presented a Bill to invest the title of a certain Tract of land therein mentioned in Jeremiah and Robert Field, sons of Wm. Field, which was read the first time, passed and sent to the Senate.

Received from the Senate the petition of Benjamin Exum. Endorsed "in Senate, read and referred to the Committee on Memorials and Petitions, which being read, was referred as by the Senate.

Ordered that the Bill for extending the boundary line between this State and the State of South Carolina, be read the second time in this House on Tuesday next.

The petition of John Beard was read and referred to the Committee on Memorials and Petitions.

Received from the Senate the report of the Committee on the Petitions of the Inhabitants of Washington, Sullivan and Greene. Endorsed "in Senate read and concurred with," which being read, was concurred with by this House.

Mr. James Martin, from the Committee to whom was referred the Memorial of Robert Fenner, Esquire, agent to the late Continental line of this State, delivered in the following Report, vizt. :

Your Committee to whom was referred the Memorial of Robert Fenner, Esquire, agent to the late Continental line of this State, Report,

That after examining the several papers laid before them together with the resolutions of Congress on that Subject they are of opinion as Mr. Fenner was legally appointed by the officers of the late Continental line of this State to make a final settlement with the United States for all pay and arrears of pay due to the officers and soldiers of the line aforesaid, that he was perfectly Justifiable in refusing to deliver the Certificates lodged in his hands in virtue of his said office as directed by a resolve of the last General Assembly, and that the Legislature had no control over the business in the situation it was at that time.

JAMES MARTIN, Chmn.

The House taking this report into consideration concurred therewith.

Received from the Senate the following Messages :

Mr. Speaker and Gentlemen :

In consequence of the Petition of Memucan Hunt, Esquire, Public Treasurer, we propose, that the General Assembly meet in conference on Saturday the 23rd Instant in order to hear Mr. Hunt in his Defence as to those matters and things wherewith he stands charged by the report of the Committee appointed to examine the State Prisoners and the Depositions by them handed therewith. We also propose that the Clerks be directed in the mean time to furnish Mr. Hunt with Copies of such of the Depositions alluded to as tend to validate the charges against him in the said Report contained.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the Treasurer be heard in exculpation of himself from the charges in the report of the examiners on Tuesday next, the time by you proposed being in our opinion at too great a distance. If you agree with this proposition we will concur with yours on that Subject.

Mr. Maclaine presented the Memorial of William Inghland, which, being read, was referred to Messrs. Blount, Maclaine, Winslow, Perkins and Polk on the part of this House.

Ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the Delegates of this State now attending here be requested to reduce to writing such Communications as they have to lay before the General Assembly and that the resolve on this Subject the other day entered into, be rescinded.

Received from the Senate a Resolve of that House directing the Committee appointed to examine the Prisoners to discharge such Persons attending here as witnesses, &c., which, being read, was rejected.

Resolved, That the Committee for examining the State prisoners be, and they are hereby required and Authorized to discharge from day to day such Persons cited here as witnesses, whose testimony they shall deem not material, and such witnesses whose testimony will be necessary to convict any Person or Persons, charged with being concerned in the frauds upon the Treasury of this State, or having committed any malpractices in office, be reported to the Governor after their depositions are taken, who is hereby required and Authorized to take the recognizance of such Witnesses to attend at such time and place as they may be hereafter required by Proclamation or by Summons from any proper Authority, but should the said Committee or the Committee appointed to arrange the Testimony already taken deem it necessary to impeach any person or persons the Witnesses to support such impeachment may be detained.

The House resumed the consideration of the Resolutions of the Senate on the report of the Committee and the Impeachment made by Mr. Brickell against certain Justices of the Peace in Franklin County and concurred therewith.



Received from His Excellency, the Governor, the following Message :

To the Honorable, the General Assembly :

Gentlemen :

By the Deposition of Robert White, Sheriff of Dobbs, herewith laid before you, you will perceive the necessity of enforcing your resolutions and bringing to a proper sense of their duty, those who Transgress or disobey them.

RD. CASWELL.

Resolved that Colo. Thomas Armstrong be directed to call on Mr. William Armstrong and demand the Horses belonging to Nathan Lassiter and Simon Totevine, and that he pay to Mr. Armstrong the amount of his Account for keeping Said Horses and other expenses of Said Lassiter and Totevine, he first proving his acc'ts of the charges contained in which, shall be agreeable to the rates fixed by the Court of the County.

And that Colo. Armstrong shall be reimbursed said sum out of the Money belonging to said Lassiter and Totevine.

The Bill to annex a part of the County of Granville to Warren, was read the second time, passed and sent to the Senate.

Received from the Senate a Copy of Green Hill's Account, &c. Endorsed in Senate "read and referred to Messrs. Gallaway, Hines, Brown and Bledsoe." Ordered that the same be referred to Messrs. W. Hawkins, Dickens and Frohock on the part of this House.

Received from the Senate the following Bills, vizt.:

A Bill for a removal of the place for holding Court of Pleas and Quarter Sessions in the County of Washington, &c.

A Bill to vest the title of a piece or parcel of Land lying in Jones County in Howell Brown, &c.

A Bill to repeal an Act entitled "an Act to allow further time for saving Lotts in the several Towns," &c.

A Bill for dividing the County of Sullivan.

A Bill to alter the names of Walter Hogg and Gavin Hogg, &c. Endorsed in Senate, "read the first time and passed.

Received also the following Bills, Vizt.:

A Bill to amend an Act passed at New Bern in Dec., 1777, entitled "an Act directing the method of Electing Members of the General Assembly," &c.

A Bill vesting the power of establishing towns in this State in the County Courts.

A Bill empowering Commissioners to dispose of the Lands and Glebe of St. John's Parrish, &c.

A Bill for the Inspection of Tobacco at Anson Court House.

A Bill for establishing an Academy at the place now called Martinsborough, &c. Endorsed in Senate "read the second time and passed."

Received from the Senate a Resolve of that House empowering His Excellency the Governor, to draw a Warrant on the Treasury in favor of some person who shall be authorized to pay the Witnesses Summoned to appear against the Prisoners, &c., at a certain Sum therein mentioned per day, which, being read, was concurred with.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

We agree that the Resolution of the General Assembly of the 13th Inst., requesting the Honbl. Timothy Bloodworth and James White, Esquires, two of the Delegates from this State in Congress to attend the two Houses this day in the Conference Room be rescinded and that those Gentlemen be requested to lay before this Assembly in writing, such matters as they may have to communicate.

Mr. Hamilton who had leave to withdraw for amendment the Bill to empower the County Court of Sampson to levy a further Tax, &c., brought in and presented a bill to empower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House, Prison and Stocks in each County where necessary, and for defraying the Contingent charges of the Counties, which was read the first time, passed and sent to the Senate.

The Bill for adding part of Wake County to Franklin County, was read the second time, passed and sent to the Senate.

The Bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the County of Mecklenburg, was read the second time, passed and sent to the Senate.

Mr. Sitgreaves presented the resignation of William Avera as a Justice of the Peace for Johnston County, which, being read, was accepted by this House.

The additional Bill to an Act entitled "an Act for the regulation of the Town of NewBern and for other purposes," was read the second time, amended, passed and sent to the Senate.

The Bill to establish the late Survey and plan of the Town of Tarborough, as made and laid down by the direction of the Commissioners composing the body Politic and Corporate of the said Town, and to amend an Act entitled "An Act for the better regulation of the Town of Tarborough," was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following message :

Mr. Speaker and Gentlemen :

We have received and considered the Resolutions of your House of yesterday declaring that no Bill of a private nature and that no Petition or Memorial shall Be received into the General Assembly after Monday next, and that after that day the two Houses will continue business by Candle Light. As to the first part of your Resolve we concur with it, but as to transacting the business of the Session by Candle Light; it is a Measure which we think by no means advisable, and to which we therefore cannot agree.

The Bill for Erecting an Academy at the Town of Warrenton, in the District of Halifax, was read the second time, amended, passed and sent to the Senate.

The Bill to amend an Act for dividing Guilford county, was read the third time, passed and sent to the Senate.

The Bill for levying a Tax in the District of Edenton for building the jail of the said district, was read the Second time, passed and sent to the Senate.

The Bill for altering the manner of holding the Annual Elections for the county of Hyde, was read the Second time, passed and sent to the Senate.

Mr. Davie presented the representation of Robert Fenner, agent of the late Continental line of this State, which, being read, was referred to Messrs. J. Blount, P. Hawkins and Davie on the part of this House.

Mr. Jacob Lennard, one of the Members for Brunswick county, appeared, was qualified and took his seat.

Received from the Senate the Claim of Thomas Wright, &c. Endorsed "in Senate, read and referred to the Committee of Claims," which, being read, was referred as by the Senate."

Received also the petition of Timothy Riggs. Endorsed, "in Senate, read and referred to Mr. Macon, Genl. Rutherford and Genl. McDowell," which, being read, was referred to Messrs. Phifer, Bloodworth, Polk and Lewis on the part of this House.

The Bill for improving the Navigation to New Bern, was read the second time, amended, passed and sent to the Senate.

Mr. W. Hawkins presented the petition of James Ransom and Young Maclemore, which, being read, was referred to the Committee on Petitions and Memorials.

The Bill for the promotion of learning in the county of Chatham was read the first time, passed and sent to the Senate.

The Bill to alter and amend an Act passed at Hillsborough in May 1783, entitled "an Act for repairing the Court House and prison in the town of Salisbury for the district of Salisbury," and also one other act passed at New Bern in 1784, entitled "an Act for levying a Tax in the counties in Hillsborough and Salisbury districts, for repairing the District buildings in the Towns of Hillsborough and Salisbury, and directing the Method of calling to account all Commissioners of Public buildings heretofore or hereafter to be appointed, also to alter and amend the Several Laws now in force for erecting and repairing the Public buildings in the District of Hillsborough," was read the second time, passed and sent to the Senate.

Received from the Senate a Resolve of that House directing the Secretary to issue a Land Warrant to the heirs of William Watts, deceased, which, being read, was concurred with.

Resolved, that the following persons be allowed for their services in attending on and assisting the Sheriff of Dobbs county to apprehend certain State prisoners, the sums following to wit :

John Tuttle, one pound Twelve shillings.

James Wilson, One pound four shillings.

Lazarus Pierce, One pound Twelve shillings.

Neale Hopkins, One pound four shillings.

William Mann, One pound four shillings.

Benajah White, three pounds twelve shillings,

Henry Lennard, Sixteen shillings.

George Linton, Sixteen shillings.

James Whitfield, two pounds.

Robert White, Eight pounds.

And that the treasurer pay them the same and be allowed in the settlement of his public accounts.

Received from the Senate the report of the Committee on Petitions and Memorials on the petition of Kirkpatrick. . Endorsed, "read, and concurred with," which being read, was concurred with by this House.

Received also the report of the same Committee on the Memorial of William Armstrong. Endorsed "in Senate, read and Concurred with," which being read, was concurred with by this House, and returned.

Mr. Wyatt Hawkins from the Committee of Propositions and Grievances, delivered in the following report to wit.

Your Committee of Propositions and Grievances to whom was referred the petition of George Lewis and William Price, report that from the representation of George Lewis and the several affidavits and other papers laid before them in support of the facts set forth in the said petition, it appears to your Committee that Capt. Thomas Price, father to William, one of the petitioners, was regularly licensed to trade with the Cherokee Indians, and that during the time of his trading with them he credited them for goods to a very large amount. It also appears that George Lewis was in Copartnership with said Price while trading with said Indians, and that they from necessity were obliged to accept of a Deed from the Indian Chiefs for a considerable Quantity of Lands as a restitution for the monies due them from said Indians, as they had no other means of satisfaction for the debts due. It also further appears that the Land in that part of the country has since the late War, been indiscriminately allowed by the State to be entered by the Citizens thereof. That previous to the opening of the Land office, Captain Price was killed in defence of his Country, and left behind him an helpless widow and orphans, that George Lewis was at the same time blind of both his eyes in which situation he now is, and being far distant from the office at which Lands in that part of the Country were to be entered, and having as they thought a right to said Lands as Capt. Price in his life time and the said George Lewis had made considerable improvements thereupon did not avail themselves of the opportunity of entering the said Lands until some time ago, when on attempting to enter them they found it was previously

done by a certain William Sharpe so long before that the said Lewis and William Price was by law excluded from a right of Caveating.

Your Committee under these considerations and from the distressed situation of said petitioners, are of opinion that they are objects worthy the benevolence of the Legislature, therefore recommend that a Portion of Lands in that part of the Country equal to the sum of money specified in the Deed given by the Indians to Capt. Price be laid off to the said George Lewis and the widow and orphans of the said Thomas Price.

All which is submitted.

W. HAWKINS, Chmn.

The House, taking the said Report into consideration, concurred therewith.

Whereupon the following resolution was entered into in pursuance of a report of the Committee appointed to consider of the petition of George Lewis and William Price this day delivered and concurred with by this House.

Resolved, That the said George Lewis be allowed the Quantity of four Thousand acres of unappropriated Land lying in this State on the west side of Cumberland Mountains, and that the male orphans of the said Thomas Price in the said report mentioned, be also allowed the same quantity of Lands situated on the west side of the said Cumberland Mountains, and that John Armstrong, Esquire, Sole Entry Taker, be directed to issue warrants for the same.

Resolved, That the application made for the sense of this House by the Treasurer respecting certain Warrants issued by His Excellency the Governor, to Nicholas Long for services as Commissioner of Confiscated property for the District of Halifax, be considered and decided on upon Wednesday next. And that the Commissioners of Confiscation be informed that this Matter will be agitated on that day, and that in it will be involved the fate of their Warrants for similar services.

Mr. Wyatt Hawkins from the Committee to whom was recommended the report on the Claim of Reuben Searcy delivered in a Report, which, being read, was ordered to lie over until the next Assembly.

Resolved, That William White be appointed a Clerk to Engross

Bills and attend Committees in addition to those already appointed. And that Joshua Winslow shall be allowed for such Bills as he may Draw.

Received from the Senate a Bill for cutting a Navigable Canal from the waters of Pasquotank River in this State to the waters of Elizabeth River in the State of Virginia. Endorsed in Senate, "read the first time and passed."

Received from the Senate the Resolve of this House directing the Committee appointed to examine the State prisoners to discharge such Witnesses whose Testimony may not appear Material, &c. Concurred with.

The House adjourned until To-morrow Morning 10 O'Clock.

Saturday, 16th December, 1786.

The House met according to adjournment.

Mr. Speight presented the Memorial of James Armstrong, Nicholas Long, Hardy Murfree, G. J. McRee and Charles Bruce, Commissioners of Confiscation, which, being read, was ordered to lie on the table until Monday morning next.

Mr. Wyatt Hawkins from the Committee to whom was referred the Petition of John Ramsey delivered in the following report, vizt.:

Your Committee to whom was referred the Petition of John Ramsey, Report—

That from the relation of Colo. Nicholas Long, Quarter Master General of this State it appears to your Committee that the Horse mentioned in the petition was purchased by Matthew Ramsey, a deputy under him, for the use of the public for the sum of four hundred pounds, and that the said Matthew gave to the person from whom he purchased the said Horse an order on him, the said Nicholas, for the amount of said purchase Money which order he, the said Nicholas, did not discharge as no Public Monies was at that time remaining in his hands for that purpose.

It does not appear to your Committee that the said Horse was put into the service of the public as set forth by the petitioner, nor does it appear that Colo. Long has not been allowed for said Horse in his settlement with the Public. They are therefore of opinion the Petition should be rejected.

All which is submitted.

WYATT HAWKINS, Chmn.

The House, taking this report into consideration, concurred therewith.

Received from the Senate the resignation of William Avera, as Justice of the Peace, &c. Endorsed in Senate, "Accepted."

Received also, a petition of a number of the Inhabitants of Randolph County, and the Memorial of the Executors of General Davidson. Endorsed in Senate "read and referred to the Committee on Petitions and Memorials," which, being read, were referred as by the Senate.

Received also, the Memorial of John B. Ashe and James Gray. Endorsed in Senate "read and referred to Mr. Bledsoe and Mr. Martin."

Received from the Senate the Petition of John Beard. Endorsed in Senate, "read and referred as by the House of Commons."

Mr. Dickens, from the Committee of Claims, delivered in the following report, vizt.:

Your Committee of Claims to whom was referred the Memorial of William Wood, are of opinion that the Law has already made provision for the Claims he set up against the State, therefore reject it.

All which is submitted.

ROBERT DICKENS, Chmn.

The House taking this report into consideration concurred therewith.

Received from the Senate the report of the Committee on the Petition of Benjamin Exum. Endorsed in Senate, "read and concurred with," which, being read, was concurred with by this House.

Received from the Senate the report of the Committee on the Memorial of John Justice.

The report of the Committee on the Memorial of Sarah Rounsavall. Endorsed in Senate, "read and concurred with," which, being read, was concurred with by this House.

Received from the Senate a Resolve of that House for releasing from Confinement John Kimbrough, &c., which, being read, was rejected.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

With this you will receive a Resolve of this House empowering



Colo. Thomas Armstrong to take into his possession sundry Horses and other property belonging to Nathan Lassiter and Simon Totevine, which we wish to substitute in the place of the one by your body entered into on that head.

At the same time received the Resolve above referred to, which, being read, was concurred with by this House.

Mr. Winslow presented the Petition of Daniel Buie, which, being read, was referred to the Committee on Petitions and Memorials.

Received from the Senate the Petition of part of the three Creeks in Burke County. Endorsed in Senate, "referred to Messrs. Griffin, Brown, Genl. Gregory and Genl. McDowell," which, being read, was referred to Messrs. McDowell, Sloan, Franklin, Bloodworth and Phillips.

Received also, the Certificate of Samuel Cross. Endorsed in Senate, "read and referred to Messrs. Macon, McCawley, Genl. McDowell and Mr. Hill," which, being read, was referred to Messrs. McDowell, Franklin, Phifer, McKissick, Pearson, Jas. Stewart, on the part of this House.

And received also, the Memorial of William Inghland. Endorsed in Senate, "read and referred to Messrs. Moring, Wynne and Genl. Ramsey.

Mr. Winslow presented the Petition of Gilbert Clarke, John Smith, Archd, McNeil, Hugh Ray and John McLain, which, being read, was referred to the Committee on Memorials and Petitions.

Received from the Senate the following Messages.

Mr. Speaker and Gentlemen :

We add to the nomination for Delegates to represent this State in Congress, Benjamin Hawkins, Esquire.

Mr. Speaker and Gentlemen :

Thro' the hurry of business a Message was yesterday sent you (in consequence of your resolution of the 14th Inst., declaring that no private Bill, Memorial, or Petition should be received after Monday next) not expressive of the sense of this House; you will therefore consider it as having been the Intention of the Senate by that Message to inform you that they consented to continue the daily business of the Session by Candle Light, but could not agree with you in declining to receive Bills, Petitions, &c., after Monday next.

Received from the Senate the Bill for dividing the County of Bladen. Endorsed in Senate, "read the third time, amended and passed."

Mr. Cabarrus from the Committee appointed to examine the State Prisoners, delivered in the following Report, viz.:

Your Committee appointed to examine the State Prisoners, and take the deposition of Witnesses against them, Report,

That it appears by the deposition of Hardy Robertson that Thomas Butcher and John Shepperd had drawn the Sum of one hundred & eighty-six pounds twelve shillings & six pence in his name, that although he had never served in the Army he thought proper to call on them for the Money drawn in his name, that Shepperd acknowledged the fact and promised to settle with him, which with other circumstances will appear by the deposition marked :

The Depositions of John Brown, Mann Phillips and William Johnston marked No. 3, 5 and 6, add to the charges against John Shepperd, William Faircloth and others, and by which it appears that the said Phillips had been generally employed in making out accounts and orders.

The Depositions marked 1, 4, 7, 8, 10, contain additional charges against Price, Faircloth and others already committed.

It appears to your Committee upon examining Col. Mitchell, Mr. Williams and Mann Phillips that the report with respect to blank warrants issued from Mr. Glasgow's office was illy founded and refer the House to the Depositions marked 9, 11, 3.

It appears to your Committee on Examination of General James Armstrong, that John Bond, Esquire, a Member of this House had illegally drawn the due Bill and Certificates of a certain James Crimor, a twelve months Soldier out of the office of the Commissioners of Army Accounts, that he denied the above facts to Genl. Armstrong at New Bern Assembly, 1785, and afterwards confessed it by a letter to one David Perkins, a conduct apparently on a line with the other frauds Committed on Individuals, and which your Committee think highly reprehensible. For the several circumstances your Committee refer to the deposition No. 12, and the letter annexed.

S. CABARRUS,  
F. HARGETT,  
J. MARTIN,  
JAS. GILLISPIE.

The House taking the report into Consideration, Concurred therewith.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We propose that the General Assembly ballot this Evening at the time already appointed for a Governor of this State and the place where the next Assembly shall be held but that the Election of Delegates to represent this State in Congress be deferred to a future day.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have received and considered the Message of yours proposing to postpone balloting for Delegates to represent this State in Congress with which we do not concur.

Received from the Senate the Petition of William Jones. Endorsed In Senate, "read & referred to Mr. Lewis & Mr. Moore," which being read was referred to Mr. Yancey & Mr. Hawkins on the part of this House.

Received also two Memorials of George Laine Moore. Endorsed In Senate, "read & referred to the Committee on the Petition of William Jones," which, being read, were referred as by the Senate.

Received from the Senate the Report of the Committee to whom was recommitted the report of the Committee in favor of Matthew McClure. Endorsed In Senate, "read and concurred with," which, being read was concurred with by this House.

The Bill for raising Troops for the protection of the Inhabitants of Davidson County was read the Second time, amended, passed and sent to the Senate.

Mr. Hay presented the Bill to amend and alter the Court System. Ordered that this Bill be read for the first reading on Monday next.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that Mr. Polk and Mr. Neal be added to the Committee to examine the prisoners. We have also appointed them to superintend the balloting for the officers to be elected this Evening.

Received from the Senate the Bill for establishing a Militia in this State. Endorsed, "read the first time and passed."

Ordered that Mr. John Bond have time until Wednesday the 27th Instant to shew cause, if any he can, why his seat in this House should not be vacated in Consequence of the Criminal Matters imputed to him in the report of the examiners of this day.

Resolved, That the General Assembly entertain the highest sense of the upright, spirited and vigorous exertions of His Excellency Governor Caswell who in obedience to the sense of the General Assembly expressed in divers resolutions passed at the Conference of this House on the 24th day of November, hath apprehended and secured and taken very effectual measures to bring to condign punishment divers persons charged with divers mal-practices against the credit and true dignity of this State, and also for his diligence in Summoning divers persons who may be possessed of such information as may tend to investigate the frauds charged to have been committed against the public, and that this Resolve be communicated to His Excellency the Governor by two Members from the Senate and as many from the Commons who shall attend His Excellency with a Copy of this Resolve in person.

The House adjourned 'til 3 O'clock.

Met according to adjournment.

Mr. Polk, from the joint balloting for a Governor, Delegates to represent this State in Congress, and the place at which the next Assembly shall be held, Reported

That the Honbl. Richard Caswell, Esquire, was Elected Governor, Messrs. James White, Alexander Martin, John B. Ashe, Timothy Bloodworth, Benjamin Hawkins and Thomas Polk, Esquires, were Elected Delegates. That no place in nomination for holding the next Assembly had a majority of Votes.

The House taking the Report into Consideration Concurred therewith.

Adjourned 'til Monday Morning 10 O'clock.

Monday, 18th December, 1786.

The House met according to adjournment.

Resolved, That His Excellency the Governor be requested to direct the Honbl. Robert Burton and Nathaniel Macon, Esquires, to proceed on immediately to New York, to take their seats in Congress.

Ordered that Mr. Bond have leave to absent himself from the Service of this House until Wednesday 27th Inst.

Mr. Rhodes moved for leave and presented a Bill to establish a Town on the East side of the North East of Cape Fear River in Duplin County.

Ordered that this Bill be read for the first reading To-morrow.

Mr. Grant moved for Leave and presented a Bill to add part of Carteret County to the County of Onslow.

Ordered that this Bill be read the first time on Wednesday next.

Received from the Senate a Bill for the better regulation of the Town of Hillsborough. Endorsed In Senate, "read the first time and passed."

Received also a Bill for adding part of Wake County to Franklin County, and

A Bill to annex a part of the County of Granville to Warren Endorsed In Senate, "read the Second time & passed.

Received from the Senate the Petition of Daniel Buie, and the Petition of James Ransom and Young Maclemore. Endorsed In Senate, "read and referred as by the House of Commons.

The Bill for establishing a Militia in this State, was read the first time, passed and sent to the Senate.

Received from the Senate the Memorial of Joseph Cain. Endorsed In Senate, "read and referred to the Committee appointed on the Copy of the accounts of Green Hill, Esqr.," which being read was referred as by the Senate.

Received also the Resolve of this House allowing certain persons therein mentioned who served under the command of the Sheriff of Dobbs County in apprehending certain prisoners the several Sums therein mentioned, &c., and the report of the Committee on the Memorial of Wm. Wood Concurred with.

Ordered that Mr. Needham Bryan, Mr. Avera and Mr. Withrow, have leave to absent themselves from the service of this House.

Received from the Senate the representation of Maj. Robert Fener. Endorsed In Senate, "read and referred to Mr. Stokes & Mr. Lewis."

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

The Senate have received and concurred with the resolutions of

your Body of this day expressive of the high sense the General Assembly entertain of the exertions made by His Excellency the Governor, for effectually carrying into execution the resolutions of the Legislature of the 24th Ulto. relative to sundry persons accused of passing fraudulent accounts, &c., and have appointed Mr. Brown and Mr. Wynns on their part to attend and present him therewith.

Mr. Speaker & Gentlemen :

The Senate approve of the addition by you made to the Committee appointed to examine the State prisoners.

The Bill to amend and alter the Court System, was read the first time, passed and sent to the Senate.

Ordered that Mr. Montford and Mr. Craven be directed to attend the Sub Committee of Finance No. 4, at 4 O'Clock this Evening.

Ordered that the Committee appointed to examine the prisoners &c., and the Sub Committee of Finance No. 4, be directed to make report To-morrow.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the Committee appointed to examine the prisoners, &c., and the Sub Committee No. 4, be directed to make report To-morrow.

The Bill to impose a duty on all Slaves brought into this State by Land or Water, was read the Second time, amended, passed and sent to the Senate.

Received from the Senate a Bill to repeal part of an Act passed at New Bern the 29th of December, 1785, entitled "an Act for destroying wolves, &c." Endorsed in Senate, "read the first time & passed."

Received also a Bill to extend two Acts passed at the last General Assembly, concerning the County Wardens of the Poor & Tobacco Inspection to the counties therein mentioned. Endorsed in Senate, "read the Second time & passed."

The Bill to direct the method to appoint Jurors and Surveyors to run out disputed Lands, was read the Second time, amended, passed and sent to the Senate.

The Bill to prevent long and extensive Credits, was read the Second time, amended, passed and sent to the Senate.

The Bill to erect and establish an Academy in the county of Franklin, was read the Second time, passed and sent to the Senate.

The Bill to annex a part of the County of Granville to Warren, was read the third time, amended, passed & sent to the Senate.

The Bill for adding part of Wake county to Franklin county, was read the third time, passed and sent to the Senate.

The Bill for erecting Bogue, Barr, and New River Inlets into a distinct Port by the name of Swansborough, was read the Second time, amended, passed and sent to the Senate.

The Bill for establishing an Academy at the place heretofore called Martinborough, in the county of Pitt, and for altering the name of Martinborough to that of Greenville, was read the third time, amended, passed and sent to the Senate.

The Bill to establish a Public Inspection of Tobacco in the town of Salisbury in Rowan county, was read the third time, passed and sent to the Senate.

The Bill for dividing the county of Bladen, was read the third time, passed and ordered to be engrossed.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that two Delegates to represent this State in Congress for the remainder of the present year, the one to supply the place of the Hon. Abner Nash, Esquire, lately deceased, the other in the stead of the Hon. Charles Johnston, Esqr., be ballotted for at 4 O'Clock this Evening, also at the same time that we ballot for the place of holding the next General Assembly, and for a Council of State. We nominate Benjamin Hawkins, Stephen Moore, William Walters, Alexander Martin, & John Steele, Esquires, for Delegates. And Thomas Barker, Joseph Green, John Hawks, Spyers Singleton, Thomas Rutledge, Doct. William McClure, Robert Bignall, James Gillespie, Frederick Harget, Joseph McDowell, Doct. Miles King, Doct. Isaac Guion, James Sampson, Doct. Boyd, Joseph Leech, John Wright Stanley, John Nelson, Genl. Rutherford, Esquires, for Councillors of State, and have appointed Col. Polk, and Mr. Neal to Superintend the ballotting on the part of this House.

Mr. Maclaine moved for leave, and presented a Bill directing the mode of proceeding upon Impeachments, which was read the first time, passed & sent to the Senate,

Mr. Spaight moved for leave, and presented a Bill for raising Money by a Lottery for the purpose of building a House for the reception of the Poor in Craven county, which was read the first time, passed and sent to the Senate.

Mr. Hay presented two petitions of John Ray, which, being read, were referred to the Committee of Claims.

Mr. Cox presented the petition of Burwell Stricklin, of Richmond county, which, being read, was referred to the Committee of Claims.

Mr. Maclaine moved for leave, and presented a Bill prescribing the method of admitting attorneys to practice in the several Courts of Law & Equity in this State, and ascertaining how they shall be tried for misbehaviour, which was read the first time, passed & sent to the Senate.

Received from the Senate the account of Hugh Torrence. Endorsed in Senate, "read and referred to Messrs. Ramsey, McCawley, & Brown," which being read was referred to Messrs. Frohock, Carson & Winslow on the part of this House

Mr. Maclaine moved for leave, and presented a Bill declaring in what manner and for what limit of time Foreigners to whom real estate may have descended or may hereafter descend, shall hold and enjoy them, which was read the first time, passed and sent to the Senate.

Mr. Maclaine moved for leave, and presented a supplementary Bill to an Act entitled "an Act concerning proving Wills, and Granting Letters of Administration, and to prevent frauds in the management of Intestate Estates," which was read the first time, passed & sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We consent to ballot this evening as by you proposed. We think it most advisable that the persons appointed to Superintend this balloting attend and receive the votes of the Members of each House separately, and without convening the whole in one room. Mr. Macon and Mr. Lewis will on the part of this House, Superintend the Balloting. We nominate for the place for holding the next Assembly at the town of Warrenton, Fayetteville, Tarborough, Hillsborough and New Bern.

Received from the Senate the Resolve of this House requesting



His Excellency, the Governor, to direct the Hon. Robert Burton and Nathaniel Macon to proceed to Congress, and the Resolve allowing George Lewis four Thousand Acres of Land, and the Male Heirs of Thomas Price the same quantity. Endorsed in Senate "Concurred with."

The House adjourned 'til 4 O'Clock.

Met according to adjournment.

Mr. Polk, from the Joint Ballotting for two Delegates, a Council of State and the place at which the next Assembly shall be held, Reported, that Benjamin Hawkins, Esquire, was elected Delegate, Frederick Harget, Joseph Green, Joseph Leech and John Hawks, Esquires, were Elected Members of the Council of State.

That there was yet to be Elected one Delegate and three Members of the Council of State, and

That no place in nomination for holding the next Assembly at, had a Majority of Votes.

The House adjourned 'til To-morrow Morning 9 O'Clock.

Tuesday, 19th December, 1786.

The House met according to adjournment

Received from the Senate the two Petitions of John Ray. The Petition of Burwell Stricklin, and the Petition of Gilbert Clark, John Smith, Arch. McNeal, Hugh Ray and John McLain. Severally endorsed in Senate, "read and referred as by the House of Commons."

Received also, the Report of the Committee appointed to examine the prisoners, &c.

The Report on the representation of Reuben Searcy, and the report on the Petition of John Ramsey, endorsed in Senate, "read and concurred with."

Received from the Senate the following Bills, endorsed in Senate, "read the first time and passed," viz.:

A Bill for destroying wolves, wild cats, &c.

A Bill for amending an Act entitled "an Act for emitting one Hundred Thousand pounds for the purposes therein mentioned," and for appropriating the Tobacco lately purchased by the Commissioners, &c.

A Bill to alter the place of holding the Superior Court of the District of Morgan.

A Bill to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her children.

A Bill to amend an Act entitled "an Act to empower the County Courts of Pleas and Quarter Sessions in the several Counties in this State to order the laying out of Public Roads, &c.

A Bill directing the mode of proceeding upon Impeachments.

A Bill prescribing the method of admitting attorneys to practice in the several Courts of Law & Equity.

A Bill to empower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House, Prison and Stocks in each County where necessary, &c.

A Bill to empower the Executors of William Hill, deceased, late Commissioner of Franklin County, to carry into effect as far as relates to the County of Franklin, an Act entitled "an Act to authorize Richmond Pearson to collect the Specific Tax which remains due from the Inhabitants of Rowan County for the year 1781," &c.

A Bill to amend an Act entitled "an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out of public Roads and to establish & settle Ferries," &c.

A Bill to invest the title of a certain Tract of Land therein mentioned in Jeremiah and Robert Field, sons of William Field.

A Bill for raising Money by a Lottery for the purpose of building a House for the reception of the Poor in Craven County.

A Bill for removing the place of holding the Courts in the County of Sullivan.

A Bill for establishing the dividing line between the Counties of Burke & Rutherford.

A Bill to direct the Commissioners appointed to sell Confiscated property, to collect the debts due to confiscated Estates, and to enable certain persons therein described to obtain Titles to their Lands.

Received from the Senate the following Bills, viz.:

A Bill for altering the manner of holding the annual Elections for the County of Hyde.

An additional Bill to an Act entitled "an Act for the regulation of the Town of NewBern and for other purposes."

A Bill for improving the Navigation to NewBern.

A Bill to alter the time of holding the County Court of Pleas and

Quarter Sessions in the County of Mecklenburg, and a Bill for the promotion of learning in that County, severally endorsed in Senate, "read the second time and passed."

Received also, a Bill to erect and establish an Academy in the County of Franklin. Endorsed in Senate, "read the third time & passed.

The Bill to amend an Act entitled "an Act to amend an Act entitled 'an Act for ascertaining what property in this State shall be deemed Taxable property, the method of assessing the same and Collecting public Taxes,'" was read the Second time, amended, passed & sent to the Senate.

On reading this Bill Mr. Spaight proposed that all that part relative to classing Lands should be deled and the following would be substituted as an amendment, viz.: "*That all Lands shall be Taxed by the hundred acres and so in proportion for a greater or less quantity.*"

This being objected to the question was put and carried in the affirmative, whereupon, the Yeas and Nays were required by Mr. William T. Lewis, which are as follows, viz.:

Yeas: Messrs. Spaight, Neal, P. Robeson, Hay, J. G. Blount, Ferebee, Copeland, Winslow, Creecy, Fulford, Whitfield, Philips, Sawyer, Hall, Dauge, Richardson, Westbrook, Dickson, Randal, McKenzie, Everagin, Toms, Dodd, Spruill, Holmes, Webb, McKinne, Sanders, Davie, Cabarrus, W. Taylor, Sitgreaves, Yates, Alexander, Reading, W. Hawkins, Frohock, Isler, Pearson, Willis, Humphries (of Currituck), Pugh, Gardner, Maclaine, R. Blount, Williams, Eason, Hooper, Grant, Long, West, Brickell, Lennard.  
—53.

Nays: Messrs. W. Wood, Rhodes, Polk, J. Robeson, Dickens, Cox, McKissick, Hill, Hamilton, Palmer, Bell, McDonald, Z. Wood, Crawford, Holland, Hutchings, Scott, Lanier, Covington, Phifer, Yancey, P. Hawkins, Jos. Stewart, Franklin, Carson, Sloan, Humphries (of Wake), McDowell, White, Jas. Stewart, Brown, Lewis, Bethell.—33.

Received from the Senate a Resolve of that House directing the Treasurer to advance Matthew McClure the Sum of four hundred pounds, which, being read, was concurred with by this House.

On motion of Mr. Davie, Resolved, That the Door-keeper shall be allowed to receive one Shilling of each member of this House when he shall be ordered after any absent Members on a call thereof.

On the question to agree to this Resolve the Yeas and Nays were required by Mr. Spaight, which are as follows, viz.:

Yeas: Messrs. J. G. Blount, Copeland, Creecy, Winslow, Whitfield, Rhodes, Philips, Anderson, Dickson, Randal, Willis, McKisick, Hill, McKenzie, McDonald, Z. Wood, Holland, Scott, Spruill, Holmes, Davie, Cabarrus, W. Taylor, Yates, Phifer, P. Hawkins, Franklin, Isler, Hinton, Humphries (of Currituck), Sloan, Gardner, Brown, Hooper, Long, Brickell, Lennard.—37.

Nays: Messrs. Spaight, P. Robeson, Hay, Fulford, Polk, Dickens, Sawyer, Richardson, Hamilton, Bell, Withrow, Everagin, Toms, Webb, J. Martin, Covington, Alexander, W. Hawkins, Frohock, Pearson, McDowell, Vance, McLaine, R. Blount, White, Grant, West.—27.

Received from the Senate the following Bills, viz.:

A Bill for the more expeditious recovery of Stolen Horses.

A Bill for the relief of George Laine Moore and William Jones.

A Bill to amend and alter the Court System.

A Bill to prevent the selling of Goods, Wares or Merchandize for hard money, &c.

A Bill to adopt a mode whereby each County shall defray the expence of their own Members in the General Assembly of this State, severally endorsed in Senate, "read the first time & passed."

Received from the Senate a Bill to establish the late Survey and plan of the town of Tarborough as made and laid down by the directions of the Commissioners, &c. Endorsed in Senate "read the Second time and passed."

A Bill for Erecting an Academy at the Town of Warrenton in the District of Halifax. Endorsed in Senate, "read the third time and passed."

Received from the Senate a Resolve for dissolving the Sub-Committee to whom was referred the Papers relative to Indian Affairs and for appointing a Committee to prepare & bring in a Resolve expressive of the sense of the Legislature with respect to the late Cherokee and Choctaw Treaties, which, being read, was rejected.

Mr. Maclaine from the Committee to whom was referred Sundry papers respecting Indian Treaties and Indian Affairs delivered in a Report, which, being read, was ordered to lie on the Table for Consideration.

The Bill for levying a Tax for the support of Government and

for the redemption of old Paper Currency Specie, Continental Money and Specie and other Certificates, was read the second time, amended, passed and sent to the Senate.

On reading this Bill Mr. McDowell proposed as an amendment thereto, that the blank, wherein, the sum to be paid in Money on each Hundred acres of Land should be filled up with the words "*two shillings and six pence*," which was objected to, the question being put was negatived, whereupon the Yeas and Nays were required by Mr. McDowell, which are as follows, viz.:

Yeas: Messrs. W. Wood, Polk, Dickens, Richardson, Westbrook, Cox, McKissick, Hamilton, Palmer, Bell, Withrow, McDonald, Z. Wood, Crawford, Holland, Scott, Spruill, Webb, W. Taylor, Covington, Phifer, Alexander, Jas. Stewart, W. Hawkins, Franklin, Frohock, Carson, Pearson, Sloan, Humphries (Wake), McDowell, Vance, White, Jas. Stewart, Brown, Bethell, Perkins.—37.

Nays: Messrs. Spaight, Hay, J. G. Blount, Ferebee, Copeland, Creecy, Winslow, Fulford, Whitfield, Rhodes, Phillips, J. Robeson, Sawyer, Dauge, Dickson, Randal, Willis, Hill, McKenzie, Everagin, Toms, Dodd, Holmes, McKinne, Davie, Cabarrus, J. Martin, Sitgreaves, Yates, Yancey, P. Hawkins, Isler, Hinton, Humphries (of Cabarrus), Pugh, Maclaine, Eason, Hooper, Grant, Long, Brickell, Lennard.—42.

The Bill to establish a Town on the East side of the North East of Cape Fear River in Duplin County, was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committee on the Claim of Hugh Torrence, Sheriff of Rowan County, and the Report of the Committee on the Memorial of Thomas Harris. Endorsed in Senate, "read and concurred with," which report being read the second time was concurred with by this House.

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

The Senate have added Generals Rutherford and Gregory to the Committee appointed to examine the State Prisoners.

Mr. Speaker & Gentlemen :

We propose that the General Assembly ballot to-morrow Evening at 4 O'Clock for a Continental Delegate in the room of Charles

Johnston, Esquire, resigned, for the three Councillors of State yet to be Elected, and for the place where the next Assembly shall be held. We nominate for a Delegate as aforesaid Stephen Moore, John B. Ashe, William Walters and William Sharpe, Esquires.

For Councillors Robert Bignall, Thomas Rutledge, Miles King, Isaac Guion, William McClure, Spyers Singleton and John Nelson, Esquires, and for the place of holding the next General Assembly, the Towns of Tarborough, Fayetteville, Salisbury and New Bern. Mr. Macon & Mr. Lewis are appointed on the part of this House to superintend the balloting.

Should you agree to this measure you will please signify the same by Message.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We agree to ballot as by you proposed and have added to the nomination for Councillors, Joseph McDowell and James Sampson.

Received from His Excellency the Governor a Message, which, being read was ordered to lie on the Table until To-morrow.

The House adjourned till To-morrow Morning 10 O'clock.

Wednesday 20 December, 1786.

The House met according to Adjournment.

The House resumed the Consideration of the Message received from His Excellency the Governor, of yesterday, in the words following, viz.:

To the Honorable the General Assembly,

Gentlemen :

I have the Honor to lay before you the Journal of Congress from the 7th of November, 1785, to the 3rd of November, 1786, with sundry Dispatches of a Public nature, from Congress and the Board of Treasury which came to hand this day.

R. CASWELL.

Fayetteville, December 19, 1786.

At the same time received the Journal of Congress & public dispatches referred to in His Excellency's Message, which, being read, the following Message was ordered to be sent to the Senate.

Mr. Speaker & Gentlemen :

We herewith send you a Message from His Excellency the Gov-

ernor, resolutions of Congress and dispatches from the Board of Treasury, which we propose referring to a Joint Committee, and have for that purpose on our part appointed Messrs. Davie, Spaight, Hooper, J. G. Blount, Hay, Maclaine, and McDowell.

Mr. Hay, from the Joint Committee to whom was referred the petitions of divers Inhabitants of Orange & Guilford counties, delivered in the following Report, viz. :

The Joint Committee of both Houses to whom was referred the petitions of divers Inhabitants of Orange and Guilford counties.

Having taken the same into Consideration, beg leave to report.

That your Committee conceiving the allegations in two of the said petitions contained to be well founded are of opinion that the prayer thereof ought to be granted.

Your Committee having read the petition of a certain Elizabeth Shaw from Guilford county complaining of suffering under the operation of the Confiscation Law as carried into effect by the Commissioners of Salisbury District do not find any evidence to support the allegation thereof, which is submitted.

JOHN HAY, Chn.

The House taking this Report into Consideration concurred therewith.

Mr. Hooper moved for leave and presented a Bill to vest a title in the Lands therein mentioned in the persons therein named, which was read the first time passed & sent to the Senate.

Ordered that the following Message be presented to His Excellency, the Governor, viz. :

To His Excellency Richard Caswell, Esquire, Governor, Captain General, &c., &c. :

SIR :

You have been again Elected by the Suffrages of the representatives of a free people on the 16th instant, to the important office of Governor and Chief Magistrate for the ensuing year. It is therefore the wish of the two Houses that you qualify to that office and take upon yourself the exercise of the powers thereto annexed on Saturday next at 12 O'Clock.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We herewith send a Message addressed to His Excellency, the

Governor, should it meet your approbation. Messrs. Polk & Winslow with such of your Body as you may appoint, will attend and present him with the same.

Received from the Senate the report of the Committee on the petition of James Christian. Endorsed in Senate, "read & Concurred with," which, being read, was Concurred with by this House.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We do not agree that the Committee for examining the prisoners, &c., and the Sub Committee No. 4, should be directed to report at the time by you proposed.

Received from the Senate the petition of Robert Bogle. Endorsed, "read & referred to the Committee of Petitions and Memorials," which, being read, was referred as by the Senate.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

The Senate have appointed Messrs. Macon & Galloway who will act jointly with such Gentlemen of your Body as may be appointed to cause to be burned, and destroyed all such Sums of old State Dollars Money as may be delivered into the Assembly during the present Session, and make report of their proceedings therein.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

Messrs. Long, Neal, Hall & W. Hawkins, will act with the Gentlemen by you appointed a Committee to receive & destroy the old State Dollar Bills.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

We propose that the petition of William Graves and Elijah Hunter, which at present stand referred to the Grand Committee, be withdrawn from them and referred to the Committee of Propositions and Grievances.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree that the petition of William Graves and Elijah Hunter be withdrawn from the Grand Committee & referred as by you pro-



posed, and propose that the Petition of the Inhabitants of Fayetteville be withdrawn from the Grand Committee & referred to the Committee of Propositions and Grievances.

Received from the Senate a Resolve of that House directing the Comptroller not to receive any Certificates which may be offered him by the Commissioners of Certificates & others that have been issued since the last Assembly, which being read, was rejected, whereupon the following Message was ordered to be sent to the Senate :

Mr. Speaker & Gentlemen :

We have rejected the Resolve of your House directing the Comptrollers not to receive from the Commissioners of Confiscation and others any Certificates Granted and issued since last Session of Assembly, as we suppose the evil you wish to guard against is already provided for by a Resolution of the fourth instant "directing His Excellency, the Governor, to issue a Proclamation informing all public officers that it is the sense of the General Assembly that no due Bills or certificates issued since the first Day of January, 1786, shall be received in payment for any arrears due, &c."

The Bill for cutting a Navigable Canal from the Waters of Pasquotank River in this State, to the Waters of Elizabeth river in the state of Virginia, was read the first time, whereupon a motion was made by Mr. Spaight, Seconded by Mr. McKinne, that this Bill be laid over to the next General Assembly, and that in the interim the public printer be directed to print three Copies for each of the counties in this State, and cause the same to be transmitted to each Member in each county to the end that the same may be submitted to and maturely considered by the inhabitants of the respective counties in order that they may instruct their representatives with respect to the propriety of passing or not passing the same into a Law. This motion being objected to, the question was put and carried in the affirmative, whereupon the Yeas and Nays were required by Mr. Willis, which are as follows, viz. :

Yeas.—Messrs. Spaight, Neal, P. Robeson, Hay, J. Blount, W. Wood, Copeland, Creecy, Winslow, Fulford, Whitfield, Polk, Phillips, Anderson, Dickson, Cox, Randal, Palmer, Bell, McDonald, Z. Wood Crawford, Everagin, Toms, Dodd, Hutchings, Scott, Spruill, J. Taylor, McKinne, Sanders, Cabarrus, Sitgreaves, Lanier,

Yates, Covington, Phifer, J. S. Stewart, Franklin, Frohock, Isler, Hinton, Humphries (of Wake), Gardner, MacLaine, Williams, White, Jas. Stewart, Brown, Hooper, Grant, Lewis, Clinch, West, Brickell, Lennard.—56.

Nays :—Messrs. Ferebee, Dickens, Sawyer, Hall, Dauge, Richardson, Westbrooks, Willis, McKissick, Hill, McKenzie, Hamilton, Holland, Holmes, Davie, W. Taylor, Alexander, Yancey, Reading, W. Hawkins, Carson, Pearson, Humphries (of Currituck), Sloan, Pugh, McDowell, Vance, Eason, Perkins, Long.—30.

Received from the Senate a Resolve of that House allowing Hugh Torrens Eighty-one pounds fourteen Shillings & two pence, & directing the Treasurer to pay the same, which, being read was concurred with by this House.

Received from the Senate the petition of Thomas Frohock, the petition of John Kendrick and the Memorial of James MacDonald. Endorsed in Senate, "read & referred to the Committee on Memorials and Petitions," which, being read, were referred as by the Senate.

Received from the Senate the petition of George Mitchell. Endorsed "in Senate, read and referred to Messrs. Armstrong, Eaton, and Campbell," which, being read, was referred on the part of this House to Messrs. Blount, Grant and Long.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

The Senate have received and rejected the report of the Committee to whom was referred the representation of Capt. Robert Fenner, agent of the late North Carolina Line. And now propose that Captain Fenner's Papers as agent aforesaid, be submitted to the consideration of a Special Committee, who shall report what allowance in their opinion Captain Fenner shall be considered as justly entitled to in consequence of his appointment as agent pursuant to a Resolution of Congress, and who shall also report such further measures as they deem necessary relative to the Certificates of which Captain Fenner, as agent, hath taken charge, for which purpose we have appointed on our part Messrs. Gallaway, Stokes, McCawley and Brown, a Committee.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

This House cannot agree with the Senate in referring the Papers of Robert Fenner, as agent, &c., to a select Committee, but propose that they be referred to the Committee to whom was referred the petition of the officers of the late Continental line of this State.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We propose that the Message herewith sent you be presented to His Excellency the Governor, instead of the one sent us from your House, we have been induced to do so, from a belief that as the time for which the Governor of this State under his former appointment can of right hold and exercise the powers & authorities of that office will not expire until May next. It was necessary the Message now to be sent him should be more explicit.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have received your Message relative to the Message to be presented to the Governor, with which we do not concur, conceiving the same grounded in a mistaken belief as to the time of his continuance in office.

Mr. Davie moved for leave and presented a Bill for the support of Government and for appropriating the revenues of the State, which was read the first time, passed and sent to the Senate.

Received from the Senate the representation of the Honbl. Timothy Bloodworth and Jas. White, Esquires, late Delegates in Congress, which were read.

The House adjourned 'til 4 O'clock.

The House met according to adjournment.

Mr. Polk from the joint Balloting for a Delegate, three Members of the Council of State and the place at which the next General Assembly shall be held,

Reported, that by a Majority of the Votes of both Houses of the General Assembly,

The Honorable John B. Ashe, Esqr., was elected Delegate.

That Tarborough is the place appointed for holding the next General Assembly at.

That no Gentlemen in nomination for Councillors had a Majority of Votes, so that the three Members of the Council are yet to be Elected.

The House taking the Report into Consideration, Concurred therewith.

Received from the Senate a Bill for adding part of Craven county to Dobbs county. Endorsed "in Senate, read the first time and passed.

The House adjourned 'til To-morrow Morning 10 O'clock.

Thursday, 21 December, 1786.

The House met according to adjournment.

Received from the Senate the following Bills, viz :

A Bill for the support of Government & for appropriating the revenues of the State.

A Bill to direct the method to appoint Jurors and Surveyors to run out disputed Lands.

A Bill to establish a Town on the East side of the Northeast of Cape Fear River in Duplin county.

A Bill to vest a title in the lands therein mentioned in the persons therein named. Severally endorsed "in Senate, read the first time and passed."

Received from the Senate a Resolve of the House, directing Thomas Harris, Sheriff of Mecklenburg county, to pay into the hands of the Treasurers one hundred & seventy-two pounds, which, being read, was concurred with.

Received from the Senate the two following Messages :

Mr. Speaker & Gentlemen :

We agree that the petition of the Inhabitants of Fayetteville be withdrawn from the Grand Committee and referred as by you proposed.

Mr. Speaker & Gentlemen :

We agree that the Message of yesterday from His Excellency, the Governor, and the public dispatches accompanying it, be referred to a special Committee, and have appointed Messrs. Harget, Hemdon, Brown, Stokes, Gallaway and Stone, a Committee, who will act with the Gentlemen by you appointed for this purpose.

Received from the Senate a Resolve of that House directing Hugh

Torrence, Sheriff of Rowan county, to take into his possession the property of William Turner, who is charged with having murdered John Latshaw, which, being read, was rejected.

Received from the Senate the Report of the Committee to whom was referred the papers of John Beck. Endorsed "in Senate, read and Concurred with," which being read, was concurred with.

On motion of Mr. Hooper, seconded by Mr. Davie, Resolved that the Attorney General be requested to allow the Sub Committee of Finance No. 4, commonly called the Hundred Thousand pound Committee, to give advice respecting the Subject Matter to them referred.

The Bill to prevent doubts as to the rights of Sovereignty and Jurisdiction in and over the counties of Washington, Sullivan, and Greene, and to Consign to oblivion the misconduct of the Citizens within the same, was read the first time, passed and sent to the Senate.

Mr. Wyatt Hawkins, from the Committee of Propositions and Grievances, delivered in the following Report :

Your Committee of Propositions and Grievances to whom was referred the petition of Andrew Canady, Report :

That on examining the several papers laid before them, it appears by the affidavit of said Canady that he lost a Certificate to the amount of one hundred and sixty-four pounds four shillings, also a note of hand from Cornelius Morris to him for the sum of five pounds. It also appears to your Committee by the deposition of Cornelius Morris, that some time after the said Canady had told him he had lost the above mentioned Certificates he the said Morris was hunting in the woods near the place where the said Canady had told him he expected the Certificate was lost together with a note on him for five pounds, and that he found a bundle of papers in which was the said note, but that the other papers were so rotten that they could not discover what they were. Under these circumstances your committee think there is a great probability of the Certificates being among the rotten papers, and that they are actually destroyed, therefore submit the facts to your Honorable Body to take such order, therefore as to you may appear just, all which is submitted.

WYATT HAWKINS, Ch'n.

The foregoing Report being read,

Resolved, that the Comptroller be directed to issue a Certificate for the sum within mentioned to the said Canady, and that the said Comptroller be also further directed to check the same and make mention therein of its being issued in pursuance of this Report.

The Bill directing the mode of proceeding upon Impeachments was read the Second time, amended, passed and sent to the Senate.

Received from the Senate a Bill to authorize the Commissioners of Bertie to Collect the Arrearages of the Specific Tax for the years 1780, 1781, 1782. Endorsed, "read the first time, passed," and a Bill to alter and amend an Act passed at Hillsborough in May 1783, entitled "an Act for repairing the Court House and prison in the Town of Salisbury," &c. Endorsed, "read the Second time, amended and passed."

The Bill prescribing the method of admitting attornies to practice in the several Courts of Law and Equity in this State, and ascertaining how they shall be tried for misbehaviour, was read the second time, amended, passed and sent to the Senate.

Ordered that Mr. Cox have leave to absent himself from the service of the House until Monday next.

Received from the Senate a Bill to impose a duty on all Slaves brought into this State by Land or Water, and a

Bill to prevent doubts as to the right of Sovereignty and Jurisdiction in and over the Counties of Washington, Sullivan & Greene.

Endorsed, "read the second time, and passed."

Received also a Bill prescribing the method of admitting attornies to practice, &c. Endorsed, "read the second time, amended and passed."

The Bill to amend an Act entitled "an Act to empower the County Courts of Pleas and Quarter Sessions in the several Counties in this State to order the laying out public Roads, and to establish and settle Ferries and to appoint where bridges shall be built and to clear inland Rivers and Creeks," was read the second time, passed and sent to the Senate.

Received from the Senate a Bill for empowering the Court of Chatham County to adjourn to the Town of Pittsborough. Endorsed, "read the first time and passed."

The Bill for improving the Navigation to New Bern was read the third time, passed & sent to the Senate.

The Bill to emancipate Hannah, alias Hannah Bowers, a person of mixed Blood belonging to the estate of the late Alexander Gaston, deceased, was read the second time, passed & sent to the Senate.

An Additional Bill to an Act entitled "an Act for the regulation of the Town of New Bern, and for other purposes," was read the second time, passed and sent to the Senate.

The Bill to extend two Acts passed at the last General Assembly held at New Bern to the County of Chatham, was read the second time, passed & sent to the Senate.

The Bill for the relief of George Laine Moore and William Jones was read the first time, passed and sent to the Senate.

Mr. Sitgreaves presented the Memorial of His Excellency Richard Caswell, Esquire, which, being read was referred to Messrs. Sitgreaves, Cabarrus, Blount and Davie on the part of this House.

Mr. P. Hawkins moved for leave and presented a Bill for keeping open Cape Fear, Deep River & Rocky Rivers for the passage of Fish up the same, which was read the first time, passed & sent to the Senate.

Mr. Sitgreaves moved for leave and presented a Bill to alter the time of holding the annual Assemblies of this State, which was read the first time, passed and sent to the Senate.

Mr. Hamilton moved for leave and presented an Additional Bill to an Act entitled "an Act to prevent the several Species of Hunting therein mentioned," which was read the first time, passed & sent to the Senate.

Mr. Sitgreaves moved for leave and presented a Bill for enabling Executors and Administrators to make a speedy settlement of their accounts, which was read the first time, passed & sent to the Senate.

Mr. Grant presented the petition of Sundry People, Inhabitants of Carteret County, which, being read, Mr. Grant moved for leave and presented a Bill to add part of Carteret County to the County of Onslow, which, being read, was laid over until the next Assembly.

Mr. Grant presented the Claim of Samuel Clegg, which, being read, was referred to the Committee of Claims.

Received from the Senate the resignation of John Jackson as a Justice of the Peace and Lieutenant Colonel of Anson County. Endorsed in Senate, "read and accepted," which, being read, was accepted by this House.

The Bill to adopt a mode whereby each County shall defray the expence of their own Members in the General Assembly of this State, was read the first time and Rejected.

On the question shall this Bill pass or not pass, the Yeas and Nays were required by Mr. Phifer, which are as follows, viz.:

Yeas: Messrs. Neal, J. G. Blount, Ferebee, Whitfield, Dickens, Hall, McKissick, Hamilton, Toms, Sanders, Phifer, Alexander, Yancey, P. Hawkins, Carson, Hinton, Pearson, Pugh, Humphries (of Wake), Gardner, Eason, Grant.—22.

Nays: Messrs. W. Wood, Copeland, Creecy, Fulford, Philips, J. Robeson, Richardson, Westbrooks, Dixon, Cox, Randal, Willis, Palmer, Bell, Z. Wood, Crawford, Dodd, Hutchings, Scott, Spruill, J. Taylor, Holmes, Webb, McKinne, Davie, Cabarrus, W. Taylor, Sitgreaves, Lanier, Yates, Covington, Franklin, Humphries (of Currituck), Sloan, McDowell, R. Blount, White, Jas. Stewart, Bethell, West, Lennard.—41.

Received from the Senate the Report of the Committee on the Petition of Andrew Canady and the Resolution of this House in consequence thereof. Endorsed in Senate, "read and concurred with."

The House adjourned 'til To-morrow Morning 10 O'clock.

Friday, 22 December, 1786.

The House met according to adjournment.

Mr. Joseph Stewart presented the Petition of John Copeland, which, being read, was referred to the Committee on Petitions and Memorials.

Mr. Dickens presented the resignation of John Beck as a Justice of the Peace for Duplin County, which, being read, was accepted by this House.

Resolved, That the following persons who served as a Guard under the command of Mr. Adams Sanders in bringing to Fayetteville Wynn Dixon, be allowed for such service as follows, viz.:

Martin Cole, three pounds twelve Shillings.

John Carigan, three pounds twelve Shillings.

James Bartin, three pounds twelve Shillings.

William Cummins, three pounds twelve Shillings.

That the Treasurer pay the same and be allowed therefor in the settlement of his public Accounts.



The Bill for dividing the County of Sullivan was read the first time, passed and sent to the Senate.

The Bill for erecting a Prison in the County of Franklin was read the second time, passed and sent to the Senate.

A Bill for the removal of the place for holding Courts of Pleas and Quarter Sessions in the county of Washington, for appointing Commissioners to fix on the most convenient place for the same, was read the first time, amended, passed and sent to the Senate.

The Bill for removing the place of holding Courts in the county of Sullivan, was read the first time, passed and sent to the Senate.

Received from the Senate a Bill for erecting Bogue Bar and New river Inlets into a distinct Port by the name Swansborough. Endorsed "in Senate, read the second time and passed," and

A Bill for the relief of George Laine Moore and William Jones. Endorsed, "read the first time and passed."

Received from His Excellency, the Governor, the following Message of yesterday's date :

To the Honorable, the General Assembly :

GENTLEMEN :

Upon application of the late Richard Henderson, Esquire, who was one of the Commissioners for extending the Boundary line between this State and the Commonwealth of Virginia, I borrowed of Captain Lustre, then at New Bern, one Hadley's quadrant, and of Messrs. Thomas and Titus Ogden, an Azimuth Compass, these Instruments were made use of by the Commissioners on extending the line aforesaid. And altho' every enquiry has been made on the frequent importunities of the owners, I have not been able to obtain them again or any satisfactory Account where those Instruments are. I therefore submit to the Legislature the propriety of making an allowance to the proprietors agreeable to the Tenor of the Act of Assembly passed in the year 1779, entitled "an Act for extending the Boundary line between this State and the Commonwealth of Virginia."

Capt. Lustre's account is herewith laid before you, the Compass I am told was a very good one. I presume the owners will be satisfied with such allowance as the public shall think proper to make.

R. CASWELL.

Fayetteville, 21 Dec. 1786.

Ordered that the Claim referred to in his Excellency's Message be referred to the Committee of Claims.

Received from His Excellency, the Governor, the following Message :

To the Honorable, the General Assembly :

GENTLEMEN :

I have the Honor to lay before you for your information and consideration, a Letter from Mr. Thomas Amis, his Deposition, his account of Sundries deposited in the Public Stores at Fort Natchez, and his passport from the Commandant of this Fortress.

These matters, however trifling they may appear on the first view, on due Consideration I persuade myself, will evince the necessity of giving your Delegates in Congress, some instructions respecting the Navigation of the Mississippi, as that is an object of very great importance and remaining undetermined by Congress.

R. CASWELL.

Fayetteville, 22 Dec. 1786.

Ordered that the above Message and subject matter therein mentioned and the papers relative thereto be referred to the Committee to consider of the Communications from Congress.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the representation of the Hon. Timothy Bloodworth and James White, Esquires, be referred to the Committee appointed to consider of the Communications from Congress.

Received from the Senate the petition of Samuel Clegg, and the petition of John Copeland. Endorsed "in Senate read and referred as by the House of Commons."

Received from the Senate the Resolve of this House allowing certain persons who served as a Guard under Mr. Adams Sanders, the several Sums therein mentioned Concurred with.

Received also the two Messages from His Excellency, the Governor, the one covering the Claim of Capt. Lustre, the other the letter and Deposition of Thomas Amis, &c. Endorsed, "read & referred as by the Commons."

Received from the Senate the following Bills, viz :

A Bill to keep open Cape Fear, Deep River, Haw River & Rockey River, &c.

A Bill for enabling Executors and Administrators to make speedy Settlement of their Acco'ts.

A Bill to alter the time of holding the annual Assemblies of this State.

A Bill for purchasing Arms and Military Stores, and for establishing a Magazine.

An Additional Bill to an Act entitled "an Act to prevent the several Species of Hunting therein mentioned." Severally endorsed in Senate, "read the first time and passed," and

A Bill for removing the place of holding the Courts in the county of Sullivan.

A Bill to emancipate Hannah, alias Hannah Bowers, &c.

A Bill for dividing the county of Sullivan.

A Bill for annexing part of the county of Craven to Pitt county.

A Bill for removal of the place for holding Courts in the county of Washington.

A Bill to repeal the thirteenth Section of an Act passed at New Bern in October, in the year 1784, entitled "an Act for raising a public revenue for the support of Government," &c. Severally endorsed, "read the Second time and passed."

Received also a Bill to extend two Acts passed at the last General Assembly held at New Bern, concerning the County Wardens of the Poor & Tobacco Inspection to the County of Chatham. Endorsed, "read the third time & passed."

Received from the Senate the resignation of John Beck. Endorsed, "read and accepted."

The Bill to amend and alter the Court System, was read the Second time, amended, passed & Sent to the Senate.

On reading this Bill, Mr. Spaight moved & was seconded, that the clause increasing the Jurisdiction of Justices of the Peace out of Court should be struck out of the Bill, which was objected to.

The question being put was Negatived, whereupon the Yeas & Nays were required by Mr. Spaight, which are as follows, viz :

Yeas.—Messrs. Spaight, W. Wood, Winslow, Philips, Sawyer, Dixon, Rhodes, Willis, Hill, McKenzie, Everagin, Dodd, Scott, Spruill, Holmes, Davie, Cabarrus, Sitgreaves, Franklin, Isler, Hinton, Gardner, MacLaine, White, Long, Lennard.—26.

Nays.—Messrs. J. G. Blount, Ferebee, Hay, Creecy, Fulford, Whitfield, Polk, Dickens, Hall, Dauge, Anderson, Richardson,

Westbrooks, Randal, McKissick, Hamilton, Palmer, Bell, McDonald, Z. Wood, Holland, Toms, J. Taylor, Webb, McKinne, Sanders, W. Taylor, Martin, Lanier, Yates, Covington, Phifer, Alexander, Yancey, P. Hawkins, Reading, Jos. Stewart, W. Hawkins, Frohock, Carson, Pearson, Humphries, (of Currituck), Sloan, Humphries, (of Wake), McDowell, Vance, Williams, Jas. Stewart, Eason, Brown, Hooper, Grant, Lewis, Bethell, West, Brickell.—56.

Mr. Maclaine proposed, as a further amendment to this Bill in the clause directing the duty and defining the powers of the Judge, that the words "*to relate their opinion or doubt thereon to the next General Assembly that whatever doubt arising between the construction of Law and the Constitution*" should be expunged and the words following substituted in lieu thereof to wit, "but shall decide according to the true spirit and meaning of the Constitution and the General Laws of the Land," this being objected to, the question was put and Negatived, whereupon the Yeas and Nays were required by Mr. Maclaine, which are as follows, viz :

Yeas.—Messrs. Hay, W. Wood, Winslow, Rhodes, Dickens, Sawyer, Dickson, Willis, McKissick, McKenzie, Holland, Dodd, Scott, Spruill, Davie, Cabarrus, Hinton, McDonald, Vance, Maclaine, White, Hooper, Long, Sloan.—24.

Nays.—Messrs. Spaight, Neal, J. G. Blount, Ferebee, Copeland, Creecy, Fulford, Whitfield, Philips, Hall, Dauge, Anderson, Richardson, Westbrooks, Randal, Hamilton, Palmer, Bell, McDowell, Z. Wood, Everagin, Toms, Hutchings, J. Taylor, Holmes; Webb, McKinne, Sanders, W. Taylor, Martin, Sitgreaves, Lanier, Yates, Covington, Phifer, Alexander, Yancey, P. Hawkins, Reading, Joseph Stewart, W. Hawkins, Franklin, Carson, Isler, Pearson, Humphries, (of Currituck), Humphries, (of Wake), Gardner, Williams, Jas. Stewart, Eason, Brown, Grant, Lewis, Bethell, West, Brickell, Lennard.—58.

The House adjourned 'til 5 O'clock.

The House met according to adjournment.

The Bill to prevent the selling of Goods, Wares or Merchandise, for hard Money only, and to prevent the depreciation of the paper Currency, was read the first time, passed and sent to the Senate.

On the question, shall this Bill pass, the Yeas and Nays were required by Mr. Cabarrus, which are as follows, viz. :

Yeas.—Messrs. J. G. Blount, W. Wood, Fulford, Polk, Dauge, Richardson, Westbrooks, Dickens, McKissick, Hamilton, Bell, McDonald, Z. Wood, Crawford, Toms, Dodd, Hutchings, J. Taylor, Holmes, McKinne, Sanders, Martin, Phifer, Alexander, Reading, Franklin, Frohock, Carson, Pearson, Sloan, McDowell, Vance, R. Blount, Lewis, Bethell, West.—37.

Nays.—Messrs. Spaight, Copeland, Creecy, Winslow, Whitfield, Philips, Dickens, Sawyer, Hall, Anderson, Randal, Willis, Hill, McKenzie, Everagin, Scott, Spruill, Davie, Cabarrus, W. Taylor, Sitgreaves, Yates, Covington, W. Hawkins, Hinton, Pugh, Humphries, (of Wake), Gardner, White, Eason, Long, Brickell.—32.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the Sub-Committee appointed by the Grand Committee to consider of the present modes of Administering the Laws of this State be appointed to consider of complaints to be alleged against the Judges in their official Character, that the said sub-Committee be considered as the Committee of the Assembly, and that they proceed immediately to this enquiry and make report as soon as the nature of the business will admit.

Mr. Sitgreaves presented a representation of the Inhabitants of the Town of New Bern, complaining of the Conduct of the Judges, which, being read, was referred to the Sub-Committee appointed to Consider of the mode of Administering the Law, &c., of this State.

Resolved, that any person whatsoever, that have any charges to exhibit against any of the Judges of this State for any Misconduct in office, be directed to introduce and exhibit the same into this House before twelve O'Clock To-morrow, to be referred to the Sub-Committee appointed to consider of the present mode of Administering the Law, &c., of this State, who shall receive the same, and cause such charges to be reduced to writing, together with every Circumstance relative thereto, and to be delivered into the hands of the Judges, that they may, if they think proper, appear before the Committee appointed to examine such charges.

Mr. Spaight moved for leave, and presented a Bill to amend an Act entitled "an Act for the more regular collecting, payment of and accounting for the Public Taxes," which was read the first time, passed & sent to the Senate.

The Bill for altering the names of Walter Hogg and Gavin Hogg to Walter Alves and Gavin Alves, was read the Second time, passed and sent to the Senate.

The Bill to vest the title of a piece or parcel of Land lying in Jones county in Howel Brown and his heirs in fee Simple, was read the first time, passed and sent to the Senate.

The Bill for adding part of Craven county to Dobbs county, was read the first time, passed & sent to the Senate.

The Bill to emancipate Hannah, alias Hannah Bowers, a person of mixed Blood belonging to the late Alexander Gaston, deceased, was read the third time, passed and sent to the Senate.

Mr. McKinne presented the petition of William Sanders Lancaster, which, being read, Mr. McKinne moved for leave & presented a Bill to vest the title of certain Negroes therein mentioned in William Sanders Lancaster, which was read the first time and rejected.

The Bill for establishing the dividing line between the counties of Burke and Rutherford, was read the first time, passed and sent to the Senate.

The Bill for impowering the Court of Chatham county to adjourn to the Town of Pittsborough, was read the first time, passed & sent to the Senate.

The Bill to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her Children, was read the first time, passed & sent to the Senate.

The Bill for the more expeditious recovery of Stolen Horses, was read the first time, passed and sent to the Senate.

The Bill to repeal part of an Act passed at New Bern the 29th Day of December, 1785, entitled "an Act for destroying Wolves, Wild Cats, Crows and Squirrels" in the several Counties therein, was read the first time, passed & Sent to the Senate.

The Bill to amend an Act entitled "an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out public Roads," &c., was read the first time, passed & sent to the Senate.

The Bill to authorize the Commissioners of Bertie to Collect the arrearages of the Specific Tax for the years 1780, 1781 & 1782, was read the first time, passed and sent to the Senate.

Mr. Franklin presented the Petition of John Brown, which, being read was referred to the Committee of Claims.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have added Mr. Franklin and Mr. Hamilton to the Committee of Propositions and Grievances, and propose that any five of them shall be a quorum.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We agree that the representation made by the Honbl. Mr. Bloodworth & Mr. White, Delegates from this State in Congress, be referred as by you proposed.

The House adjourned 'til To-morrow Morning 10 O'clock.

Saturday 23 December, 1786.

The House met according to adjournment.

Received from the Senate the petition of Mr. McKenzie & C. Young. Endorsed "read and referred to Mr. Wynns & Mr. Campbell," which, being read, was referred by this House to Mr. Blount and Mr. Long.

Mr. McKinne presented the Petition of Andrew Bass, which, being read, was referred to the Committee on Petitions and Memorials.

Received from the Senate the Petition of Messrs. Cascy and Green. Endorsed, "read and referred to the Committee appointed on the Petition of Mr. McKenzie & C. Young," which, being read, was referred as by the Senate.

Whereas, it is represented to this General Assembly by Benjamin Williams, Needham Bryan and William Avera, Esquires, Members of the General Assembly for Johnston County, that a certain Henry Finch, one of the Justices of the Peace for the said County, is unworthy of the trust reposed in him as a Justice of the Peace, Therefore,

Resolved, That the said Henry Finch be and he is hereby cited to appear before the next General Assembly to answer such Matters and things as then may be objected against him, and that in the mean time he shall stand suspended from exercising the office of a Justice of the Peace.

Received from the Senate the following Messages :

Mr. Speaker and Gentlemen :

The Senate have appointed Mr. Macon and Mr. Galloway who will on their part act with such of your Body as may be appointed to examine & compare the Engrossed Copies of such Bills as may be passed into Laws by the present Assembly.

Mr. Speaker & Gentlemen :

We have approved of the Message by you proposed to be presented to His Excellency the Governor, have caused the same to be signed and have appointed Mr. Galloway & Mr. Wynn on the part of this House to attend and present him with the same.

Mr. Speaker & Gentlemen :

We consent that Captain Fenner's papers as Agent of the late North Carolina Line be referred to the Committee by you mentioned, but propose that this Committee be directed (in addition to the duties enjoined a Select Committee on the part of this House for the above mentioned purposes appointed) to enquire into and report on the receipts and issues of Captain Fenner as Agent aforesaid, and that they deliver in such their report without delay.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have appointed Mr. Hooper and Mr. Davie to assist the Gentlemen appointed by the Senate to examine the Engrossed Bills.

Received from the Senate a Bill to carry into further effect an Act entitled "an Act for opening the Land Office," &c. Endorsed "read the second time and passed."

Mr. Sitgreaves presented the Petition of James Coor, Esquire, which, being read, was referred to the Committee on Memorials and Petitions.

Received from the Senate the Report of the Committee on the Memorial of John Graham, and the Report of the Petition of William Ledford. Endorsed in Senate "read and concurred with," which, being read, was concurred with.

Mr. Holland presented the Petition of John Sloan, which, being read, was referred to the Committee of Propositions and Grievances.

The Bill to extend two Acts passed at the last General Assembly



held at New Bern concerning the County wardens of the Poor and Tobacco Inspection to the Counties of Chatham, Camden and Currituck, was read the third time, passed & ordered to be Engrossed.

Received from the Senate the Petition of Mrs. Clara Salter, which, being read, was referred to the Committee on Memorials and Petitions.

Received from the Senate the report of the Committee on the Petition of John Hinton. Endorsed in Senate "read & concurred with," which, being read and amended by adding the following words, viz.:

"Resolved, That the Comptroller issue such Certificate accordingly," was Concurred with by this House.

The Bill to alter and amend an Act passed at Hillsborough in May, 1783, entitled "an Act for repairing the Court House and prison in the Town of Salisbury for the District of Salisbury," and also, one other act passed at New Bern, 1784, entitled "an Act for levying a Tax in the Counties of Hillsborough and Salisbury Districts, for the repairing the District buildings in the Towns of Hillsborough and Salisbury & directing the method of calling to account all Commissioners of public buildings heretofore or hereafter to be appointed, also to alter and amend the several Laws now in force for Erecting & repairing the public buildings in the District of Hillsborough," was read the third time, passed & sent to the Senate.

The Bill to confirm unto Richard Dobbs Spaight an indefeasable title to certain Lands therein mentioned in Bladen County, was read the first time, passed & sent to the Senate.

The Bill for annexing part of the County of Craven to Pitt County was read the third time, passed & sent to the Senate.

The Bill for Erecting Bogue Bar and New River Inlets into a distinct port by the name of Swannsborough, was read the third time, passed & sent to the Senate.

Mr. Holland moved for leave & presented a Bill for appointing Treasurers, which was read the first time, passed and sent to the Senate.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the Gentlemen who delivered to His Excellency

the Governor, the Message signifying his Election for the ensuing year, again wait on him and acquaint him that the two Houses are now ready to receive him and see him qualify to his office and that on this occasion both Houses assemble in the Commons room.

The Bill to establish the late survey and plan of the Town of Tarborough as made and laid down by the direction of the Commissioners composing the Body politic and Corporate of the said Town, and to amend an Act entitled "an Act for the better regulation of the Town of Tarborough," was read the third time, passed and sent to the Senate.

The Bill for erecting an Academy at the Town of Warrenton in the District of Halifax, was read the third time, passed & ordered to be Engrossed.

The Bill for altering the manner of holding the annual Elections for the County of Hyde, was read the third time, passed & sent to the Senate.

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

We agree that the Gentlemen who delivered to His Excellency the Governor the Message signifying his election for the ensuing year shall now attend and conduct him to this place, and that on this occasion the two Houses assemble as by you proposed.

Mr. Speaker & Gentlemen :

We agree that the sub-Committee appointed to consider of the present mode of administering the Laws of this State shall be considered as the Committee of this Assembly, that they consider of such Complaints as have been or may be alleged against the Judges in their official Character, and that they proceed as by you proposed to make enquiry and report. We have not concurred with your resolution limiting the time in which charges to be exhibited against the Judges shall be delivered in to the Assembly, but propose that you amend it by prolonging the time therein mentioned to Monday next 12 O'clock.

We have added Messrs. Macon, Stokes and Gallaway to the sub-Committee above mentioned.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree to prolong the time in which charges shall be exhibited

against the Honbl. the Judges until Monday as by you proposed and have made the Resolve of our House on that head conformable thereto.

Ordered that the following Message be sent to His Excellency the Governor :

To His Excellency, Richard Caswell, Esquire, Governor, Captain General, &c., &c. :

The General Assēmbly being informed that you were about to leave this place suggest to your Excellency that the situation of the public business is such as will render your stay some few Days longer absolutely necessary.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We herewith send for your Concurrence a Message addressed to His Excellency the Governor. Should it meet your approbation Mr. Winslow will on the part of this House attend and present the same.

Received from the Senate, the Petition of John Sloan, the Petition of Andrew Bass, the Petition of John Brown & the Petition of Mrs. Clara Salter, severally endorsed, "read and referred as by the Commons."

Received from the Senate the following Bills, viz.:

A Bill to repeal part of an Act passed at New Bern the 29th of December, 1785, entitled "an Act for destroying wolves," &c.

A Bill for establishing the dividing line between Burke and Rutherford Counties.

A Bill to authorize the Commissioners of Bertie to collect the arrearages of Specific Taxes, &c.

A Bill for empowering the Court of Chatham County to adjourn to the Town of Pittsborough.

A Bill for altering the names of Walter Hogg and Gavin Hogg to Walter Alves and Gavin Alves.

A Bill for the more expeditious recovery of Stolen Horses, severally endorsed, "read the Second time & passed."

Received also a Bill for establishing a Town on the Land of R. Fagin in the County of Moore, &c. Endorsed "read the first time & passed."

Received from the Senate the representation of the Inhabitants of the Town of New Bern complaining of the conduct of the Judges. Endorsed in Senate, "read & referred as by the House of Commons."

The Bill to impose a duty on all Slaves brought into this State by land or water, was read the third time, amended, passed and sent to the Senate.

Received from the Senate a Letter from the Honbl. Judge Ashe, which, being read, was referred to the Committee appointed to consider of the mode of Administering the Law, &c., of this State.

Received from the Senate the Petition of James Coor. Endorsed "read and referred as by the House of Commons."

Received from the Senate a Bill for appointing Treasurers. Endorsed in Senate "read the first time and passed."

A Bill to vest in Trustees certain powers for the benefit of Elizabeth Torrens & her Children. Endorsed "read the second time & passed."

Received from the Senate the following Message:

Mr. Speaker and Gentlemen :

We approve of the addition by you made to the Committee of Propositions and Grievances, and consent that the Member of that Committee by you mentioned be considered as a quorum.

Received from the Senate the Resolve of this House citing Henry Finch to appear at the next Assembly, & in the mean time suspending him from the exercise of the office of a Justice of the Peace.

Ordered that the Treasurer attend this House on Monday Morning next to confront the charges reported against him by the secret Committee, and that in the mean time the Clerk of this House furnish the said Treasurer with a Copy of all depositions relative to the said charges so far as the same are in the possession of this House.

The Senate and Commons according to order assembled in conference, the Speakers and Members being seated, the Gentlemen appointed by both Houses to attend and acquaint His Excellency the Governor, that the General Assembly were ready to receive and see him qualify as Governor, accordingly attended and conducted him

to the place appointed for his reception, where he qualified as Governor by taking the oath of Allegiance, and also an oath of office.

The House Adjourned 'til Monday Morning 10 O'clock.

Monday, 25th December, 1786.

The House met according to adjournment.

Mr. Wood presented the petition of Dennis McClendon, which, being read, was referred to the Committee of Propositions and Grievances.

The Bill for the relief of George Laine Moore and William Jones, was read the second time, passed and sent to the Senate.

Mr. McDowell moved for leave, and presented a Bill to enable William Moore, late Sheriff of Burke county, to collect all the Taxes due from the said county for the year 1785, and to allow him a further time for settling for his collections with the Treasurer, which was read the first time, passed and sent to the Senate.

The Bill for raising Money to buy a Lottery for the purpose of building a House for the reception of the Poor in Craven county, was read the second time, amended, passed and sent to the Senate.

Mr. Phifer presented the resignation of David Reese as a Justice of the Peace for Mecklenburg county, which, being read, was accepted.

Mr. James Robertson moved for leave, and presented a Bill for dividing the county of Davidson into two counties, which was read the first time, passed, and sent to the Senate.

Mr. Cabarrus, from the Committee to whom was referred the examination of the State Prisoners delivered in the following Report, viz. :

Your Committee to whom was referred the Examination of the State prisoners.

Report, That they have taken the several depositions as well of the prisoners as the witnesses. That additional charges appears against John Bonds, Esquire, by the depositions marked No. 3, 4, and 10, and also against the Treasury office and one of the Commissioners of Army accounts by the Depositions No. 2, 5, 7, 8, and 10 and 15.

The Depositions No. 1, 5, 6, 11, 12 and 13, containing charges

against William Sanders, Charles Dixon, Wynn Dixon, John Marshall and others, to all which Depositions the Committee beg leave to refer the House.

As the examinations are now gone almost through, with respect to those persons already apprehended or accused, your Committee beg leave to refer the House to the opinions of the Attorney General relative to their being held to Jail or Bailed, the proper mode, time and place of prosecution and trial, all which is submitted.

S. CABARRUS,  
F. HARGET,  
GRIFFITH RUTHERFORD,  
ISAAC GREGORY,  
JAMES GILLESPIE,  
JAMES MARTIN,  
A. NEAL.

The House taking this Report into Consideration, Concurred therewith.

Mr. J. G. Blount presented the petition of Josiah Parker, which, being read, was referred to Messrs. Blount, Phifer and Holland, on the part of this House.

Received from the Senate a Bill to amend an Act, entitled "an Act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State, to order the laying out public roads," &c., and

A Bill to vest the title of a piece of Land or parcel of Land lying in Jones' county, in Howell Brown & his Heirs in fee Simple. Endorsed in Senate, "read the Second time and passed."

Resolved, that the several persons apprehended and charged with the Crimes of fabricating false accounts, and being concerned in wrongfully and fraudulently procuring claims to be passed in the Commissioner's office of Army accounts and thereby drawing Monies out of the Treasury of this State be admitted to Bail on giving proper Security for their personal appearance at a Court of Oyer and Terminer, to be held at Warrenton on the last Monday in January next, and also for the Security and forthcoming of their respective estates agreeable to a Resolve entered into by the General Assembly at this Session on the Twenty-fifth of November last,

such Security to be given before one or more of the Judges of the Superior Courts, and that the Clerk of this House be directed to deliver the Depositions taken against such persons and all the papers thereto relating to the said Judges who are hereby requested to proceed accordingly.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have added Messrs. McKenzie and Sitgreaves to the Committee for examining the Engrossed Bills.

Received from the Senate the following Bills, viz :

A Bill to emancipate Ceasar, formerly a Servant of Samuel Yeargan, deceased.

A Bill for dividing the county of Davidson into two counties. Endorsed "in Senate, read the first time and passed."

A Bill for raising Money by a Lottery for the purpose of building a House for the reception of the poor in Craven county. Endorsed, "read the Second time and passed," and

A Bill for the relief of George Laine Moore and William Jones. Endorsed, "read the third time & passed."

Received from the Senate the petition of Dennis McClendon. Endorsed, "read and referred as by the Commons."

Received also the resignation of David Reese. Endorsed, "accepted."

Mr. Hooper moved for leave, and presented a Bill to enable the Executors of Robert Hogg to maintain and defend Suits under the regulations therein mentioned, which was read the first time, passed and sent to the Senate.

Mr. Sitgreaves moved for leave, and presented a Bill for laying a Tax on all Seamen coming into the respective ports of this State, for raising a fund for the support of such Seamen, and for the proper appropriation of the same, which was read the first time, passed and sent to the Senate.

The Bill to emancipate Ceasar, formerly a servant of Samuel Yeargan, deceased, was read the first time, passed & sent to the Senate.

Mr. Maclaine moved for leave and presented a Bill to amend the Law relative to attachment of property, which was read the first time, passed and sent to the Senate,

Mr. Maclaine moved for leave, and presented a Bill to amend an Act entitled "an Act directing the mode of proceeding against the real estates of deceased persons where the personal Estate is insufficient for the payment of Debts, which was read the first time, passed & sent to the Senate.

Received from the Senate a Bill to enable William Moore, late Sheriff of Burke county, to collect all the Taxes due from the said county for the year 1785, &c. Endorsed "in Senate, read the first time and passed."

The Bill to alter the place of holding the Superior Courts of the district of Morgan, was read the first time and was laid over until the next Assembly.

Mr. Maclaine moved for leave and presented a Bill for allowing to Benjamin Smith a further time for finishing the Causeway over the Great Island opposite to the Town of Wilmington under such regulations and restrictions as therein expressed and declared, which was read the first time, passed and sent to the Senate.

The Bill to direct the Commissioners appointed to sell Confiscated property to collect the debts due to confiscated estates and enable certain persons therein described to obtain titles for their Lands, was read the first time, passed and sent to the Senate.

The Bill to direct the method to appoint Jurors and Surveyors to run out disputed Lands, was read the third time, passed and sent to the Senate.

The Bill to erect a District Court of Law and Equity at Fayetteville was read the second time, amended, passed and sent to the Senate.

Ordered that Mr. Hinton have leave to absent himself from the service of this House.

Mr. Davie from the Committee to whom was referred the proposal of Captain Fenner, Agent, &c., delivered in a report, which, being read, was ordered to lie on the Table until To-morrow.

Received from the Senate the account of Colo. Nicholas Long. Endorsed in Senate "read and referred to the Committee of Claims," which, being read, was referred as by the Senate.

The Bill vesting the power of establishing Towns in this State in the respective County Courts, was read the second time and laid over until next Assembly.



The House adjourned 'til To-morrow Morning 9 O'clock.

Tuesday, 26 December, 1786.

The House met according to adjournment.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

In the Report of the Committee appointed to examine the prisoners, &c., of yesterday, that part thereof relative to Colo. Glasgow was ordered by this House to be struck out of the report. It was accordingly done on the Journal, and the Deposition relative thereto withdrawn, but omitted in the report sent for your Concurrence. The House was induced to this from a conviction of Mr. Glasgow's innocence which appeared by Sundry papers produced. We therefore propose that the report so far as relates to him be expunged.

Ordered that a writ of Election issue to the County of Brunswick for the Election of one Member of this House in the room and stead of Major General Robert Howe, Deceased, and that such Election be held on the third Friday & Saturday in January next.

Received from the Senate the Resolve of this House for admitting the Prisoners, &c., to Bail, on their being bound to appear at a Court of Oyer and Terminer to be held at Warrenton. Concurred with.

Received from the Senate the Petition of Josiah Parker. Endorsed in Senate "read and referred to Messrs. Wynns, Hill & Miller."

Received from the Senate the following Bills, viz.:

A Bill to amend an Act entitled "an Act for directing the method of proceeding against the real estates of deceased persons," &c.

A Bill to appoint Commissioners to carry on and finish the public buildings in the County of Anson.

A Bill to amend an Act for the more regular collecting payment of and accounting for the Public Taxes.

A Bill to amend an Act passed at Hillsborough in the year 1782, entitled "an Act to vest the title of a certain Tract of Land in Robert Cummins." Severally endorsed in Senate "read the first time and passed."

The Bill for the support of Government and for appropriating the revenues of the State was read the second time, amended, passed and sent to the Senate.

On motion of Mr. Spaight, Seconded by Mr. Sitgreaves, Resolved that the Sub Committee of Finance No. 2, be instructed to count the ragged money in the hands of the Treasurer that may be unfit to go again into circulation, to burn the same and make report of the Sum so destroyed to the Houses, also that they proceed to punch with a circular punch such warrants on the Treasury and orders of the General Assembly as may have been taken up and paid by the Treasurer and make report thereof.

The Bill to amend an Act entitled "an Act for emitting one hundred thousand pounds paper Currency for the purposes herein mentioned for appropriating the Tobacco lately purchased by virtue of the said act towards discharging the Interest of the foreign debt due by the United States, and for making provision for the future discharge of the principal and Interest of the said debt, was read the Second time, amended, passed and sent to the Senate.

Mr. Jonathan Lindley, one of the Members for Orange county, appeared, was qualified and took his seat.

Whereas, pursuant to a proclamation issued by His Excellency, the Governor, in consequence of a Resolution of this General Assembly, the following officers of the late Continental Line of this State to wit: Hardy Murfree, John Armstrong, Reading Blount, John Nelson, Griffith John McRee, John Ingles, Robert Fenner, William Lyttle, Tillman Dixon, James Read, Thomas Armstrong, Gee Bradley, Thomas Evans, James Tatom, John Ford, John Daves, and Benjamin Coliman, and Dixon Marshall, have attended and borne testimony before a Committee of the Legislature in order to aid, as much as in them lay, the Exertions of this State to detect and bring to punishment all persons concerned in passing fraudulent accounts or Committing frauds upon the Treasury of this State.

Resolved, That the General Assembly entertain a high and proper sense of the laudable conduct, ready attendance and former as well as present public Spirited Exertions of those Gentlemen and that such of them as are above named and are now attending, be informed by the Speakers of the two Houses of this Resolution and that their attendance is no longer required.

And whereas, Thomas Hogg, Selby Harney, Joseph Montfort, Robert Hays, Nathaniel Williams, Clement Hall, Captain Brevard, Abner Lamb, James Pearl and John Sumners have been prevented

by sickness and other accidents from attending the present General Assembly agreeable to the aforesaid Proclamation,

Resolved, That the General Assembly have a high and proper sense of the laudable and public Spirited conduct of those Gentlemen during the late war and of their readiness to have attended in pursuance of the said Proclamation had the same been in their power.

The Bill to carry into further effect an Act entitled "an Act for opening the land office for the redemption of Specie and other Certificates and discharging the arrears due to the Army, was read the third time, amended, passed and sent to the Senate.

On reading this Bill Mr. Phifer moved as an amendment thereto that the word "*fifteen*" being the sum to be paid for each hundred Acres of Land to be entered should be expunged and the word "*Ten*" inserted in lieu thereof, which was objected to. The question being put was Negatived, whereupon, the Yeas and Nays were required by Mr. Phifer, which are as follows, viz.:

Yeas: Messrs. Dickens, McKissick, Hamilton, Bell, Z. Wood, Holland, Davie, Phifer, Alexander, Franklin, Frohock, Carson, Sloan, Vance, White, Jas. Stewart, Brown, Lennard, Linly.—19.

Nays: Messrs. Spaight, Hay, J. G. Blount, W. Wood, Copeland, Creecy, Winslow, Fulford, Whitfield, Rhodes, Philips, J. Robeson, Sawyer, Hall, Dauge, Richardson, Westbrooks, Willis, McKenzie, Bond, Palmer, Everagin, Hutchings, Scott, Spruill, Webb, McKinne, Sanders, Cabarrus, Taylor, Martin, Sitgreaves, Lanier, Yates, Covington, Yancey, P. Hawkins, Jo. Stewart, W. Hawkins, Pearson, Hinton, Humphries (of Currituck), Pugh, Maclaine, Eason, Eborn, Hooper, Grant, Bethell, West, Brickell.—51.

Mr. Hay for himself and others moved for leave to protest against the above Bill.

Ordered that Mr. Ransom have leave to absent himself from the service of this House.

The Bill for extending the Boundary Line between this State and the State of South Carolina was read the second time and laid over until next Assembly.

Whereas, the General Assembly of this State have been informed by Letter from His Excellency Governor Moultrie to His Excellency the Governor of this State that the State of South Carolina have appointed Commissioners to act with such as may be appointed by

this State to extend the boundary line between this State and the State of South Carolina, and on consideration of the same,

Resolved, That so soon as proper stipulations and agreements for settling and extending the said Boundary Line between the two States shall be agreed on (which ought on a subject of this great Importance to be previously entered into) Commissioners shall be appointed to settle and extend the line between this and the aforesaid State on principles consistent with the true Interest and meaning of such stipulation with the respective Charter of the said States and the Bill of rights of this State, and that His Excellency the Governor, be requested to notify the same to the Executive of South Carolina together with a Transcript of this resolution.

The House adjourned 'til 4 O'clock.

Met according to adjournment.

Received from the Senate a Bill for the support of Government, &c., and a Bill for establishing a Militia in this State. Endorsed "read the first time & passed."

Received from the Senate the Resolve of this House directing the sub-Committee of Finance to receive of the Treasurer such ragged Money as may not be fit to go in circulation and cause the same to be burnt & destroyed, concurred with.

The Bill for altering the names of Walter Hogg and Gavin Hogg to that of Walter Alves and Gavin Alves, the name of James Mason to that of James Isham, and the name of Jonathan Ballinger to that of Jonathan Parker, was read the third time, amended, passed and sent to the Senate.

Received from the Senate a Resolve of that House directing the Sheriff of Dobbs County to deliver certain property in his possession belonging to certain persons therein described, on Complying with the requisitions therein mentioned, &c., which being read was concurred with.

Received from the Senate the report of a Committee appointed by the last General Assembly to receive of the Treasurer the old State Dollar Bills, &c. Endorsed in Senate, "read and concurred with."

Mr. Dickens moved for leave and presented a Bill to empower the several County Courts therein mentioned, to appoint processioners of Land within the same, which was read the first time and was rejected.

The Bill empowering Commissioners to dispose of the Land & Glebe, the property of St. John's Parish, formerly in the County of Bute (now in Franklin), was read the second time, amended, passed and sent to the Senate.

The Bill for inspection of Tobacco at Joseph Green's, in Wayne County, was read the second time, passed and sent to the Senate.

The Bill to amend an Act passed at Hillsborough in the year 1782, entitled "an Act to vest the title of a certain Tract of Land in Robert Cummins," &c., was read the first time, passed and sent to the Senate.

The Bill for dividing the County of Sullivan, was read the second time, passed and sent to the Senate.

The Bill for a removal of the place for holding Courts of Pleas and Quarter Sessions in the County of Washington and for appointing Commissioners to fix on the most convenient place for the same, was read the second time, passed and sent to the Senate.

Ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that the nomination of Justices of the Peace and Field Officers shall be made on Thursday next and desire your concurrence thereto.

The Bill to erect and establish an Academy in the County of Franklin was read the third time, passed & ordered to be Engrossed.

The Bill for the relief of George Laine Moore and William Jones was read the third time, passed and ordered to be Engrossed.

The Bill for empowering the Court of Chatham County to adjourn to the Town of Pittsborough, was read the second time, passed and sent to the Senate.

The Bill for removing the place of holding Courts in the County of Sullivan, was read the second time, passed & sent to the Senate.

The Bill to appoint Commissioners to carry on and finish the public buildings in the County of Anson, was read the first time, passed & sent to the Senate.

The Bill for raising Money by a Lottery for the purpose of building a House for the reception of the Poor in Craven County, was read the third time, amended, passed & sent to the Senate.

The Bill to vest in Trustees certain powers for the benefit of

Elizabeth Torrens and her Children, was read the second time, passed and sent to the Senate.

The Bill for the promotion of learning in the County of Chatham was read the second time, passed and sent to the Senate.

The Bill to repeal part of an Act passed at New Bern the 29th Day of December 1785, entitled "an Act for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels, in the several Counties therein mentioned," was read the second time, amended, passed and sent to the Senate.

The additional Bill to an Act entitled "an Act to prevent the several species of hunting therein mentioned," was read the second time, passed and sent to the Senate.

The Bill to enable William Moore, late Sheriff of Burke County, to collect all the Taxes due from the said County for the year 1785, and to allow him a further time for settling for his collections with the Treasurer, was read the second time, passed & sent to the Senate.

The Bill to establish a Town on the East side of the North East of Cape Fear River in Duplin County, was read the second time, passed & sent to the Senate.

Resolved, That the Comptroller settle the accounts of Mr. McKinne, who acted as paymaster to the witnesses summoned against the prisoners, &c.

Received from the Senate the following Bills, viz.:

A Bill to empower the Commissioners therein mentioned to sell the public Lots in the Town of New Bern, &c. Endorsed, "read the first time and passed."

A Bill for empowering the Court of Chatham to adjourn to Pittsborough.

A Bill to amend an Act passed at Hillsborough in the year 1782, entitled "an Act to vest the title of a certain Tract of Land in Robt. Cummins," &c.

A Bill for the Inspection of Tobacco at Joseph Green's in Wayne county.

A Bill to appoint Commissioners to carry on and finish the public buildings in Anson county. Endorsed, "read the second time and passed," and

A Bill for dividing the county of Sullivan. Endorsed, "read the third time and passed."

A Bill for establishing a Town on the Land of R. Fagin in the county of Moore, &c., was "read the first time, passed & sent to the Senate."

Received from the Senate the following Bills :

A Bill to amend the Law relative to attachment of property.

A Bill for laying a Tax on all Seamen coming into the respective ports.

A Bill to enable the Executors of Robert Hogg to maintain and defend Suits under the regulations therein mentioned. Endorsed, "in Senate, read the first time and passed."

The House adjourned until To-morrow Morning 9 O'Clock.

Wednesday, 27th December, 1786.

The House met according to adjournment.

Received from the Senate the following Bills, viz :

A Bill for the removal of the place of holding Courts in Washington, &c.

An Additional Bill to an Act entitled "an Act to prevent the several Species of hunting," &c. Endorsed in Senate, "read the Second time and passed."

The Bill for the promotion of learning in the county of Chatham.

A Bill to repeal part of an Act passed at New Bern the 29th Day of December, 1785, entitled "an act for destroying wolves," &c., and

A Bill to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her Children. Endorsed in Senate, "read the third time and passed."

Received from the Senate the following Messages :

Mr. Speaker and Gentlemen :

We agree that the Justices of the Peace and the Field officers to be appointed by the present Assembly, be nominated on Thursday next.

The House resumed the Consideration of the Report of the Committee to whom was referred the Proposal of Captain Fenner, agent, &c., which being amended to read as follows, was concurred with (viz :)

Your Committee to whom was referred the proposal of Captain Fenner, agent, for the late North Carolina Line, Report, that the orders from the Board of Treasury of the United States drawn on William Skinner, Esq., Commissioner of the Continental Loan

office in this State amount to 13,367.34-90 Dollars. That the payment of this Sum would entitle the State to a Specie credit with the United States. The officers in whose favour these orders are drawn are willing to accept warrants on the Treasury of this State for the payment of their respective orders. Your Committee beg leave to recommend that His Excellency be required to issue warrants payable out of the Revenue of the Contingent fund in the name of such officers as may apply by themselves or by the said Agent with the said orders which he shall send to the Continental Commissioner of Loans in this State obtaining a proper receipt for the same, which shall be lodged in the Comptroller's office of this State to be credited accordingly on the settlement with the United States.

Your Committee had also referred to them the allowance they deem Mr. Fenner entitled to as Agent of the late North Carolina line in the final settlement of the Accounts, and in making the issues of the said Certificates. On this Subject the Committee observe with pleasure that the accounts appear to have been settled with the utmost accuracy and precision, that the settlement amounted to 388,271.84-70 Dollars, and that the Agent has been engaged in the business of the said settlement and making the issues of the said Certificates from the first of September, 1784, until the present time. That by a Resolution of Congress of the 27th May, 1785, the several States are requested to cause the services of such Agents to be examined and make them such allowances as they may think them entitled to, and charge the same to the United States. Your Committee therefore recommend that the said Agent be allowed Six hundred pounds in full of all services, travelling and other expences.

Your Committee on examining the receipts and issues, find that the amount of issues is 268,972 64-90 Dollars, and that there remains on hand the sum of 82,677 76-90 Dollars, 20,677 76-90 Dollars of which is the property of Commissioned officers, that about 11,000 dollars is due to fifty-five War Soldiers, 17,000 dollars to two hundred and fifty of the eight month's drafts, and 34,000 dollars to Eight hundred & fifty of the twelve months' drafts.

That the present Agent is possessed of the necessary information and cheques to prevent frauds in the issues. That it would therefore be an advantage to the Army Claimants that the certificates remain in his hands to be issued on proper application until the next General Assembly, at which time the balance shall be withdrawn



from the hand of the Agent to be disposed of as the United States in Congress shall direct, and that proper notice of this resolution be given that all persons entitled to such Certificates may apply for the same in the mean time, for which service your Committee recommend, that he be allowed the sum of fifty pounds after such service shall be performed. All which is submitted.

WILLIAM R. DAVIE, Ch'n.

Received from His Excellency the following Message, viz :  
To the Honorable, the General Assembly :—

GENTLEMEN :

Permit me to recommend to your Consideration the petition of John Freebody, which was presented to the last Assembly and laid over to the present.

The petition with sundry Letters and Papers relating to Mr. Freebody's case, are herewith laid before you.

R. CASWELL.

At the same time received the Letters and Papers above referred to, which, being read, were referred to Messrs. Hooper and P. Hawkins on the part of this House.

Resolved, that if it should appear to the Judges that in the investigation of the frauds lately committed against this State, and the examination of divers witnesses respecting the same, nothing appears against John Faircloth, Jesse Lassiter, Reddick Price, or any others, which may be a reason for holding them in custody or to bail, that the said Judges be directed to discharge such persons.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

This House do not concur with the resolution of yours of this day, relative to the officers of the late Continental line of this State, but return it herewith in order that you may amend it, by inserting the name of Colonel *John Armstrong* in the 6th line of the first page of this Resolve immediately after the name of *Hardy Murfree*; by inserting likewise the name of *Dixon Marshall* immediately after that of *Benjamin Coleman* in the Eleventh line of the same page; and by deleting the last part of your Resolve which is relative to Col. Armstrong and Major Blount, and which is now included within lines marked by a pen.

Should you think proper to make these amendments we will then on its being returned concur with it.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have made the Resolve respecting the officers conformable to your proposition which we now send for your Concurrence.

The Bill to amend an Act entitled "an Act for the more regular collecting, payment of and accounting for the public Taxes, and for laying certain duties therein mentioned," was read the Second time, amended, passed and sent to the Senate.

Received from the Senate a Bill to amend an Act entitled "an Act for emitting one hundred Thousand pounds paper Currency for the purposes therein mentioned, & appropriating the Tobacco," &c. Endorsed, "read the Second time & passed."

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

The Senate propose in order to save time, that the Bill altering the Court System be Committed, to which end they appoint General Rutherford, Messrs. Stokes and Macon a Committee on their part, and propose further that such Committee be directed to report the amendments by them deemed necessary by To-morrow 12 of the Clock.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree that the Bill for altering the Court System be committed as by you proposed, and have on our part as a Committee for that purpose appointed Messrs. P. Hawkins, Sitgreaves & J. G. Blount.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the two Houses assembly To-morrow morning at nine O'Clock to hear the Treasurer in defence of himself with respect to the charges of Misconduct in office contained in the several depositions taken on that subject by the secret Committee.

Received from the Senate a Bill to confirm unto Richard Dobbs Spaight an indefeasable title to certain Lands therein mentioned, &c. Endorsed in Senate, "read the second time & passed."

Mr. Hooper, from the Committee of Finance, delivered in the following Report, viz :

The subdivision of the Committee of Finance appointed to consider and report upon the application of the one hundred thousand pounds, emitted, beg leave to report that with much care and attention they have investigated the accounts of the Treasurer so far as they apply to the due Bills, that they find he has paid to the holders of them the Sum of Sixty-one thousand eight hundred & forty-eight pounds and three pence. That the said due Bills are signed by the Commissioners of Army Accounts, to wit, by Benjamin McCulloch, Henry Montfort, and John Macon, in some instances by the three, occasionally by two of them.

They further report that they have critically inspected the Army Accounts and orders under and by authority of which the said Commissioners have granted due Bills and Certificates. That they find the said accounts signed in almost every instance by a Captain or Subaltern, and Countersigned by a Field officer. That the accounts in the very face of them, in most of the instances in which your Committee have examined them, carry with them the most decided proof of fraud.

That the orders produced by the Commissioners of Army Accounts so far as they relate to Butcher, Faircloth, Price, Totevine and Sanders, are almost without an exception so far as your Committee could discover, false, fraudulent & counterfeit. These orders have been made out with so little caution and with such an entire disregard of appearances that your Committee have in a very few instances only, hesitated to decide upon them, so few that they have not thought it necessary to note the distinction.

Your Committee have not passed through, but in part the accounts of Butcher, Price, Totevine, and Sanders; the further investigation of them must be reserved for a Board of Commissioners specially appointed for that purpose, who may sit in the recess of the Assembly, such a one with powers competent to its object, your Committee beg leave to recommend to be appointed by the Legislature during its present Session.

Your Committee request that you would regard these whose names are herein inserted tho' perhaps the principal offenders, yet but as a small portion of the numbers of those who have been in-

volved in this iniquitous business. For the rest of them your Committee beg leave to refer you to the books of the Accounts of the Commissioners and Treasurer to the Army Accounts, orders and due Bills in the hands of the Commissioners as well as those which have been deposited in the course of our examination with Pleasant Henderson, Clerk of this Committee.

Your Committee for the general information of this House, have thought proper to state from the Treasurer's list of payments the names of those who have been the principal receivers from the Treasury office with the several sums that have been paid into their hands for themselves and others, to wit :

|                         |               |
|-------------------------|---------------|
| Benjamin McCulloch..... | £23,132 / 14  |
| Henry Montfort.....     | 6,939 / 2 7   |
| William Faircloth.....  | 6,935 / 8 11  |
| Thomas Donoho.....      | 1,790 / 0 4   |
| William Sanders.....    | 1,997 / 6 8   |
| John McNees.....        | 476 / 14 2    |
| Amounting to.....       | £41,271 / 6 8 |

Your Committee had an explanation with the Secretary of this State relative to certain due Bills paid to him, and received from him the most unequivocal proof of the integrity of his conduct on that business, nor have they, from any information which they have had the slightest reason to call his Character into question.

Your Committee further report that the Commissioners of Army Accounts have received from the Treasury of this State by virtue of Ten Thousand pounds which was to be applied so far to the payment of the claims of the officers and Soldiers, that the said Commissioners have not rendered to your Committee any account of the disposition of the said Money.

From various depositions and reports upon your table, it will appear that John Price hath received due Bills from the Commissioners for liquidating Army Accounts to a vast amount. From the Treasurer's Books it will appear that receipts have been had upon

these by others for and in behalf of Price or for themselves by his order, all which is submitted.

ISAAC GREGORY,  
JAS. GALLOWAY,  
JOHN STOKES,  
WM. HOOPER,  
JNO. SITGREAVES.  
A. NEAL,  
WILL. POLK,  
DAVID VANCE.

The foregoing report was read and concurred with.

The Honorable, the Speaker, laid before the House a Letter from Mr. Benjamin Smith, which, being read, was sent to the Senate.

The House resumed the consideration of the Report of the Committee appointed on the application of the Treasurer respecting the payment of two warrants granted to Nicholas Long as Commissioner of Confiscation, which, being read and debated, was rejected.

The Bill for establishing a Militia in this State, was read the second time, amended, passed and sent to the Senate.

The Bill for appointing Treasurers, was read the Second time and rejected.

Ordered that the enquiry with respect of Major John Bonds be postponed until To-morrow.

The House adjourned til to-morrow morning 9 O'clock.

Thursday, 28th December, 1786.

The House met according to adjournment.

The Bill for the better regulation of the Town of Hillsborough, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

The Senate have added Messrs. Stokes and Harget to the Committee for examining the Engrossed Copies of Bills.

Received from the Senate the report of the Committee appointed to examine the prisoners, &c., which was delivered into this House the 25th instant. Concurred with.

Resolved that the Public Printer strike off two hundred Copies of the report of the Committee of Finance respecting the revenue and estimates for the year 1787 to be divided among the Members of the General Assembly for the satisfaction of their Constituents.

Mr. Hooper, from the Committee to whom the Governor's Message covering the Accounts of Stephen Moore, &c., delivered in a Report, which, being read, was amended and agreed to as follows, viz :

The Committee to whom the Governor's Message, covering the Accounts of Stephen Moore, of Caswell county, was referred,

Report, That on examining the said accounts a balance appears due to said Moore (authenticated by a Certificate of Joseph Nourse, Register of the Treasury office of the United States) of Three Thousand and four hundred and nine Dollars and twenty-two ninetieths of a Dollar, allowing an Interest of Six per cent per annum from the first day of January 1784, until the same shall be paid.

It also appears to your Committee by a resolution of Congress bearing date the 18th July, 1786, that the said Stephen Moore obtained a draft from the United States on this State for Thirty Thousand Dollars when depreciated to forty for one, and that this State had at that rate been credited for the same in the Books of the Treasury of the United States.

By a Certificate from the Comptroller of this State, it also appears that the said Stephen Moore received the aforesaid sum of thirty Thousand Dollars of Richard Cogdell, then Treasurer of New Bern District in May 1780, at a time when the depreciation was Sixty for one, making a difference of two hundred & fifty Dollars in favor of this State.

Your Committee sensible of the advantages that will accrue to this State by payments made in consequence of and under the said Resolution, beg leave to recommend that the Treasurer be directed to pay the said sum of Three Thousand four hundred and nine dollars and the twenty-two nintieths of a Dollar with the accruing interest, whenever he shall produce any Resolve of Congress that the same when paid shall be deducted out of the amount of any requisition then next to be made on this State, also the further sum of two hundred and fifty Dollars the difference of depreciation on

the draft aforesaid, with Interest from May 1780, until paid, all which is submitted.

JNO. ARMSTRONG,  
WILL. HOOPER,  
JNO. SITGREAVES,  
JNO. MACON.

The Bill to repeal the 13th Section of an Act passed at New Bern in October in the year 1784, entitled "an Act for raising a public revenue for the support of Government," &c., was read the third time and laid over until the next Assembly.

Received from the Senate the Report of the Sub division of the Committee of Finance appointed to consider and report upon the application of the one hundred thousand pounds. Endorsed in Senate, "read & concurred with."

The Bill to amend an Act entitled "an Act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out Public Roads and to establish and settle Ferries," &c., was read the second time, amended, passed and sent to the Senate.

Mr. Hooper proposed the following clauses as an amendment to this Bill, viz :

And be it enacted by the Authority aforesaid that one person in each county in this State shall be appointed by the County Court that shall first sit in every year, whose business it shall be to superintend the roads of the county in which he shall be so appointed, and to make a faithful report of the same to the County Courts, which officer shall be stiled the Surveyor of the roads.

Be it further enacted by the authority aforesaid, that it shall be the duty of such surveyor twice in every year, to visit and examine the Public Roads, and at the next succeeding Court of the county give information to the State Attorney of all delinquent overseers that he may be enable to prosecute such.

And be it further Enacted by the authority aforesaid that such surveyor shall have and receive such allowance for his services as the County Courts shall think reasonable.

And be it further Enacted that such person appointed to the said office refusing or neglecting to act shall forfeit and pay ten pounds to the use of the County.

On the question to receive these clauses as an Amendment, the Yeas and Nays were required by Mr. P. Hawkins, which are as follows, viz :

Yeas: Messrs. Spaight, Neal, P. Robeson, Hay, W. Wood, Copeland, Creecy, Fulford, Whitfield, Rhodes, Polk, Sawyer, Dauge, Dickson, Willis, McKenzie, Holland, Everagin, Dodd, Scott, J. Taylor, Holmes, Davie, Cabarrus, Sitgreaves, Lanier, Pearson, Humphries (of Currituck), Humphries (of Wake), McDowell, Williams, Eason, Hooper, Bloodworth, Lennard.—35.

Nays: Messrs. J. G. Blount, Philips, Dickens, Hall, Anderson, Westbrooks, Cox, Randal, Bonds, Hamilton, Palmer, Bell, McDonald, Z. Wood, Spruill, McKinne, Sanders, W. Taylor, Martin, Yates, Phifer, Alexander, Yancey, P. Hawkins, W. Hawkins, Franklin, Carson, Sloan, Vance, Gardner, White, Brown, Lindley.—33.

The Bill to make securities therein named negotiable, was read the third time, amended, passed and sent to the Senate.

Received from the Senate the following Message of yesterday's date :

Mr. Speaker & Gentlemen :

The Senate have received the Message of your House proposing that the two Houses assemble to-morrow Morning at nine o'clock to hear the Public Treasurer in his Defence as to the charges against him contained in the Depositions taken by the secret Committee; to which proposition they do not agree, thinking such a measure productive of too great a delay of business but consent (if agreeable to the House of Commons) that the two Houses convene for that purpose at one of the Clock in the afternoon Tomorrow.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

The two Houses according to agreement assembled in Conference in the Commons room when Mr. Hooper proposed going into a Committee of the whole, and that Mr. Battle should take the Chair which was assented to and done accordingly. The several charges contained in the depositions, as arranged by Mr. McLaine and others, the secret Committee appointed to arrange the Testimony, so far as the same are criminating to the Treasurer, were then read and the Treasurer permitted to introduce sundry persons and witnesses and to be heard in his defence. The Com-



mittee then rose and Mr. Battle reported that the treasurer had been heard in his defence but that the Committee conceived that there was no necessity for giving particular detail of this proceedings or that they should come to any resolutions thereon as the intention of the meeting was only to afford the Treasurer an opportunity of vindicating his Character as a public officer, with respect to which each individual Member had probably formed a decided opinion in the course of the proceedings.

The Honorable the Speaker laid before the House a Letter from the Honbl. Judge Spencer and Judge Williams, which, being read, the following resolution was adopted.

This House having received and read a Letter from the Honorable Samuel Spencer and the Honorable John Williams, Esquires,

Resolved, That the Committee to whom was referred the papers respecting the Honorable the Judges, report To-morrow thereon, that the Judges have transcripts this evening of any complaints that may be made against the present mode of administering Justice in the Superior Courts of Law and Equity, and that agreeable to their request they shall be heard by the two Houses of the General Assembly in conference on Saturday next.

Received from the Senate the Resolve of this House directing the Judges to discharge John Faircloth, Jesse Lassiter & Reddick Price under the circumstances therein mentioned, concurred with.

The Bill to amend an Act passed at New Bern in December, 1777, entitled, "an Act directing the method of Electing Members of the General Assembly," &c., was read the second time & rejected.

Received from the Senate a Bill to amend an Act entitled "an Act for ascertaining what property should be deemed Taxable Property," &c. Endorsed, "read the second time & passed."

The Bill to alter the time of holding the annual assemblies in this State was read the second time, passed & sent to the Senate.

The Bill for purchasing Arms and Military Stores and for establishing Magazines was read the first time, passed & sent to the Senate.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the estimate of allowances for the present Session

be made up so as to include Wednesday agreeable to the rates inserted in the Bill for allowing, &c., to the officers of the public.

The House adjourned 'til 5 O'Clock.

The House met according to adjournment.

Mr. Sloan presented the resignation of Daniel McKissick as a Justice of the Peace for Lincoln County, which, being read, was accepted by this House.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the recommendation for Militia Field Officers shall take place and be made on Saturday next.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the General Assembly proceed to Ballot at 4 O'clock on Saturday next, for the three Councillors yet to be appointed.

A Collector and Naval Officer for the Port of Swannsborough, Vendue Masters for Washington and New Bern, Field Officers for the several Troops of Horse and Battalions of Infantry.

A Commissioner of Confiscation for Halifax District in the room of Col. Long, resigned.

An Entry Officer for the Western Lands ; Officers to Command the Troops intended to be raised for the defence of the Western Country. Should you accede to this proposition you will signify the same by Message.

Mr. McLaine moved for leave and presented a Bill empowering the administrators of Robert Schaw, late of Brunswick County, Esquire, deceased, to sell certain Lands in Bladen County, commonly called the Western prong, late the estate of the said Robert Schaw, to save the personal estate of his widow & son, which was read the first time, passed and sent to the Senate.

The Bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the County of Mecklenburg and the other Counties therein mentioned, was read the third time, amended, passed and sent to the Senate.

Mr. Maclaine moved for leave and presented a Bill empowering Hiram Jeremiah Richards, of New Hanover County, to take, hold,

and enjoy all the real and personal estate late of Norman Harrison Cheves of the same County, Deceased, and to vest the same in the said Hiram Jeremiah Richards, his Heirs, Executors, Administrators, and assigns respectively, which was read the first time, passed and sent to the Senate.

Received from the Senate the Message from His Excellency the Governor, covering sundry papers, &c., in support of the claim of John Freebody. Endorsed in Senate, "read and referred to Mr. Galloway and Mr. Eaton."

The Bill to confirm unto Richard Dobbs Spaight an indefeasable title to certain Lands therein mentioned in Bladen County, was read the second time, passed and sent to the Senate.

The Bill to empower the several County Courts therein mentioned to levy a Tax annually for the purpose of Erecting or repairing the Court House, Prison and Stocks in each County where necessary, & for defraying the Contingent charges of the County, was read the second time, passed & sent to the Senate.

The Bill for a removal of the place of holding Courts of Pleas & Quarter Sessions in the County of Washington & for appointing Commissioners to fix on the most Convenient place for the same, was read the second time, amended, passed & sent to the Senate.

Mr. J. G. Blount presented the Petition of Robert Bignall, which, being read, was referred to the Committee on Petitions and Memorials.

Resolved, - That the Honorable the Speaker of the two Houses be requested to ratify any Bills of a private nature after they have been properly examined in order that the same may be printed for the information or benefit of those whom they may concern, provided they may be willing to be at that expence.

The Bill for dividing the County of Sullivan was read the third time, passed and ordered to be Engrossed.

The Bill for the Inspection of Tobacco at Joseph Green's, in Wayne County, was read the third time, passed and sent to the Senate.

The Bill for the promotion of learning in the County of Chatham, was read the third time, passed & ordered to be Engrossed.

The Bill to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her Children, was read the third time, passed and ordered to be Engrossed.

The Additional Bill to an Act entitled "an Act to prevent the several species of hunting therein mentioned," was read the third time, passed and sent to the Senate.

The Bill for empowering the Court of Chatham County to adjourn to the Town of Pittsborough, was read the third time, passed & ordered to be Engrossed.

Mr. Hamilton moved for leave and presented a Bill to suspend the Execution of Grants to certain Lands in Guilford County for the purpose therein mentioned, which was read the first time, passed and sent to the Senate.

The Bill to empower the Commissioners therein mentioned to sell the Public Lots in the Town of New Bern, &c., was read the first time & laid over until the next Assembly.

The Bill for destroying Wolves, Wild Cats, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned, was read the first time, passed and sent to the Senate.

The Bill to repeal an Act entitled "an Act to allow further time for saving Lots in the several Towns within this State so far as the same relates to the Town of Kinston," was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committee on the claim of Stephen Moore, concurred with by that House.

Received from the Senate the Resolve of this House notifying to the officers who attended in Consequence of the Governor's Proclamation the sense the General Assembly entertain of their Acquiescence, &c.

A Resolve directing the Committee to whom the papers respecting the Honorable the Judges were referred to report.

A Resolve directing the Comptroller to settle the accounts of Mr. McKinne, &c., and a Resolve directing the printer to strike off two hundred Copies of the report of the Committee of Finance, severally Concurred with.

Received from the Senate a Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relates to making allowances to the owner, &c. Endorsed, "read the first time and passed."

Received also, a Bill for the better regulation of the Town of Hillsborough.

A Bill to establish a Town on the East side of the North East of

Cape Fear., &c., and a Bill for raising Troops for the protection of the Inhabitants of Davidson County. Endorsed in Senate, "read the second time and passed."

The House adjourned 'til To-morrow Morning 9 O'Clock.

Friday 25th December, 1786.

The House met according to adjournment.

Received from the Senate a Bill for purchasing Arms and Military Stores, &c., and a Bill to emancipate Cæsar, formerly the servant of Samuel Yeargan, Deceased. Endorsed, "read the second time & passed."

Received also, a Bill appointing Commissioners to fix on a convenient place for holding the Courts of Pleas and Quarter Sessions in the County of Washington. Endorsed, "read the third time and passed."

Received from the Senate two Resolves of this House, viz.:

A Resolve directing the Comptroller to lay before the General Assembly a list of the names of the District Treasurers, &c.

A Resolve requesting the Speakers to ratify private Bills. Concurred with.

Received from the Senate a Resolve of that House directing the Committee of Claims to allow claims for services performed in the State Legion, &c., which being read was rejected.

Received from the Senate the Petition of Robert Bignall. Endorsed, "read & referred as by the House of Commons."

Received also, the Petition of James Collins. Endorsed, "read & referred to the Committee on the Petition of William England," which, being read, was referred as by the Senate.

Mr. James Martin from the Committee to whom was referred the papers of James Davis, delivered in the following report, viz.:

The Committee to whom was referred the papers of Mr. James Davis, requesting payment in Money for amount of an Auditor's Certificate granted to James Davis, Esquire, Deceased, by the New Bern District Board of Auditors for his Salary as Public Printer for the year 1780, beg leave to report—

That your Committee have considered the papers referred to them, and find by an annexed Certificate of the Auditors, that the Certificate No. 331 granted to James Davis for two hundred and thirty-three pounds six shillings & eight pence, was for his Salary

as Public Printer, and that in Specific supplies included in it except the paper which he was necessarily obliged to make use of for the Public. And as your Committee find that the Public Printer has usually been paid in Money for his Services, they think it but Justice that the Heirs of James Davis, Deceased, should be paid the amount of the said Certificates, whereupon they submit the following Resolution, viz.:

Resolved, That the Treasurer be and he is hereby authorized and required to take up and pay the Certificate No. 331, granted by the New Bern District Auditors to James Davis, Deceased, for two hundred & thirty-three pounds six shillings & eight pence dated the 17th day of August, 1782, and he shall be allowed the same in the settlement of his public accounts.

JAMES MARTIN, Ch'n.

The House taking this Report into Consideration concurred therewith.

Received from the Senate the Petition of Lodwick Wray, the Petition of Mary Moore, the Petition of George Pea, the Petition of Hugh Ross and the Petition of William Ashley. Endorsed in Senate, "read & referred to the Committee on Petitions and Memorials," which, being read, were referred as by the Senate.

Received from the Senate the Report of the Committee on the Claim of Samuel Cross and the report on the Petition of Colo. George Mitchell. Endorsed in Senate, "read & concurred with," which, being read, were concurred with by this House.

Mr. Sitgreaves presented the Memorial of Hodge & Blanchard, which, being read, was referred to Messrs. Sitgreaves, McDowell, Spaight and Neal on the part of this House.

Whereas, there may not be a sufficient Sum of Money in the Treasury to pay off the whole estimate of the General Assembly, and it would be highly improper that a part of the Members should receive the whole of the allowance for their attendance and others not receive any part thereof.

Resolved, That the Treasurer be and he is hereby instructed and required, in case there should not be a sufficient Sum of Money in the Treasury to pay off the whole estimates of the present General Assembly that he shall make equal payments to the Members in proportion to the amount of their respective Certificates, and that in

these proportionate payments take up the Certificates to be granted by the General Assembly, and give an acknowledgment of the balance due which shall entitle the holders to receive the same out of the Treasury or from any holder of Public Money at a future day.

Received from the Senate a Bill to empower the several County Courts therein mentioned, to lay a Tax annually for repairing Public Buildings, &c. Endorsed, "read the second time & passed."

Received from the Senate the Account of James Brantley, and a Resolution of that House for discharging the same, which, being read, was rejected, and the following adopted by this House, viz.:

Resolved, That Richard McKinne, Esquire, be directed to advance to James Brantley the sum of fifteen pounds in full discharge of his Account for feeding and stabling Horses, &c., employed in the business of apprehending the Persons here lately confined as Prisoners, out of the Monies delivered into his possession for the purpose of paying for the attendance of Witnesses to bear Testimony against such Persons.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We herewith send for your Concurrence a Resolve of this House which we propose in lieu of the one entered into by your House in favor of Mr. Brantley.

Mr. Wyatt Hawkins from the Committee of Propositions and Grievances delivered in the following report, viz.:

Your Committee of Propositions and Grievances to whom was referred the Petition of John Augustine Duncan are of opinion that the facts therein set forth are not supported by any kind of Corroborating Circumstances, therefore reject it.

All which is submitted.

WYATT HAWKINS, Ch'n.

The House taking this report into Consideration concurred therewith.

Received from the Senate a Bill to confirm unto Richard Dobbs Spaight an indefeasible title to certain Land therein mentioned in Bladen county. Endorsed, "read the third time and passed."

Mr. J. G. Blount, from the Committee to whom was referred the Memorial of John B. Ashe and James Gray, Guardians, &c., delivered in the following Report, viz. :

Your Committee to whom was referred the Memorial of John B. Ashe and James Gray Guardians of McKinne Sumner and Jackie S. Sumner, orphans of General Jethro Sumner, deceased. Report,

It is their opinion that whenever the said Guardians shall show to the Secretary by a resurvey the quantity of the Land taken from the said General Sumner's Survey by a prior right, he shall then issue a warrant for such quantity so taken and certify the reason in the said warrant why the same is issued, and when so issued it may be laid on any vacant or unlocated land where the first warrant, if now unlocated, might be laid, any Law to the Contrary, notwithstanding.

Received from the Senate a Bill to amend an Act entitled "an Act for the more regular collecting payment of and accounting for Public Taxes," &c. Endorsed, "read the second time, amended and passed."

The Bill for raising troops for the protection of the Inhabitants of Davidson county, was read the third time, amended, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

The Senate pursuant to your proposition have agreed, that the General Assembly ballot at 4 O'Clock on Saturday next for the three Councillors of State yet to be chosen, and nominate Doctor William McClure and Thomas Brown, Joseph McDowell, Spyers Singleton, Robert Bignall, Miles King and Thomas Rutledge, Esqrs;

For a Collector and Naval officer for port Swansborough, and nominate Mr. John McCulloch for Collector, and Mr. Samuel Hall for Naval officer of the said port.

For Vendue Masters for the Towns of Washington and New Bern, and nominate Mr. Peter Casseau for the Town of Washington, and Mr. Bazell Smith for the Town of New Bern.

We propose that the General Assembly do, at the same time and on the same Day, proceed to ballot for a Treasurer of this State, and put in nomination General Griffith Rutherford and James Gillespie, Memucan Hunt, John Haywood.

It is not the sense of the Senate that any of the appointments enumerated in your Message, should take place at this intended Ballotting.



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Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree to ballot as by you proposed, and add to the nomination for Vendue Master at New Bern, Mr. Titus Ogden for Councillor, John Nelson and Wyatt Hawkins, Esqrs.; for Treasurer, Robert Rowan, Esq.

The House adjourned til 4 O'Clock.

The House met according to Adjournment.

Mr. MacLaine moved for leave, and presented a Bill for the better ascertaining the Taxable property in the Town of Wilmington, and collecting the Public and other Taxes which may be imposed thereon and for the further regulation of the said Town, and also for repairing Episcopal Church of Saint James situated therein, which was read the first time, passed and sent to the Senate.

Mr. MacLaine moved for leave, and presented a Bill to amend an Act entitled "an Act for the promotion of learning in the District of Wilmington," which was read the first time, passed and sent to the Senate.

The Bill to empower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House prison and Stocks in each county when necessary, and for defraying the Contingent Charges of the county, was read the third time, amended, passed and sent to the Senate.

Received from the Senate a Bill to repeal an Act entitled "an Act to allow further time for saving Lots in the several Towns within this State, so far as the same relates to the Town of Kingston," and

A Bill for levying a Tax for the support of Government, & for the redemption of the old Paper Currency, &c. Endorsed, "read the Second time and passed."

The Bill to establish a Town on the East side of the Northeast of Cape Fear River in Duplin county, was read the third time, passed and sent to the Senate.

The Bill to empower the Executors of William Hill, deceased, late Commissioner of Franklin county to carry into effect as far as relates to the county of Franklin, an Act passed at Hillsborough in the year 1784, entitled "an Act to authorize Richmond Pearson to

collect the Specific Tax," &c., was read the first time, passed and sent to the Senate.

The Bill to authorize the late Commissioners of Specific supplies for the counties therein mentioned to collect the arrearages of Specific Tax yet due from the Inhabitants thereof, was read the Second time, amended, passed and sent to the Senate.

Mr. P. Hawkins moved for leave, and presented a Bill declaring that the late Treaty of Peace between the United States of America and Great Britain is and hath been in full force, in this State as part of the Law of the Land, which was read the first time, passed and sent to the Senate.

Mr. Sitgreaves moved for leave, and presented a Bill to amend an Act entitled "an Act to establish in the Towns of Edenton, Washington, New Bern and Wilmington, Courts for the more speedy decision of Mercantile transactions with foreigners & transient persons & of Maritime affairs," which was read the first time, passed and sent to the Senate.

The Bill for the better regulation of the Town of Hillsborough, was read the third time, passed and sent to the Senate.

Mr. Hamilton moved for leave, and presented a Bill to repeal an Act entitled "an Act to secure and quiet in their possession all such persons, their Heirs and assigns who have purchased or may hereafter purchase Lands and Tenements, Goods and Chattels, which have been sold by the Commissioners of forfeited Estates legally appointed for that purpose, which was read the first time, passed and sent to the Senate.

On the question shall this Bill pass or not pass, the Yeas & Nays were required by Mr. Cabarrus, which are as follows, viz.:

Yeas: Messrs. P. Robeson, Hay, Creecy, Dickens, Westbrook, Hamilton, Bell, McDonald, Z. Wood, Holland, Everagin, Hutchings, Scott, Sanders, Martin, Lanier, Yates, Phifer, Alexander, Yancy, P. Hawkins, W. Hawkins, Franklin, Carson, Pearson, Sloan, Pugh, McDowell, Vance, Gardner, White, Jas. Stewart, Lewis, Perkins, Lindley.—35.

Nays: Messrs. J. G. Blount, W. Wood, Copeland, Fulford, Rhodes, Polk, J. Robeson, Richardson, Dickson, Cox, Randal, Palmer, Dodd, Spruill, J. Taylor, Holmes, Webb, McKinne, Cabarrus, W. Taylor, Sitgreaves, Frohock, Isler, Humphries (of Wake), Williams.—25.

The Bill to emancipate Cæsar, formerly the Servant of Samuel Yeargan, Deceased, was read the second time, passed and sent to the Senate.

The Bill to confirm unto Richard Dobbs Spaight an indefeasible title to certain Lands therein mentioned in Bladen County, was read the third time, passed and ordered to be Engrossed.

The Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relates to making an allowance to the owner or owners for any executed or outlawed Slave or Slaves, was read the first time, passed and sent to the Senate.

The Bill appointing Commissioners to fix on a convenient place for holding the Courts of Pleas and Quarter Sessions in the County of Washington, was read the third time, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We further add to the nomination for Treasurer Colo. Stephen Moore, of Caswell County.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We further add to the nomination for Councillors, Bryan Whitfield, Esquire.

Received from the Senate the Resolve of this House directing Mr. McKinne to advance James Brantley fifteen pounds, concurred with.

Received from the Senate the Petition and Memorial of John Rutherford, in behalf of himself and his Brother & Sister, William Gordon Rutherford and Frances Menzies, Widow. Endorsed, "read and referred to General Rutherford, Mr. Gillespie and Mr. Stokes," which, being read, was referred to Messrs. Bloodworth, MacLaine, McDowell, Hooper.

Whereas, in the resolution of the 26 Instant respecting the Officers of the late Continental line of this State it was thought most proper by the House of Commons that the names of Colo. John Armstrong & Major Reading Blount should be omitted in the said Resolution as they were Members of the General Assembly, but which was not concurred with by the Senate. And the name of

Col. John Armstrong was afterwards by Resolution of both Houses entered therein, therefore,

Resolved, that the name of Major Reading Blount be also inserted in the aforesaid Resolve immediately after the name of Col. John Armstrong.

Resolved, that the Bill to invest the title of a Certian Tract of Land therein mentioned in Jeremiah and Robert Field, sons of William Field, be laid over til the next General Assembly, and that the Commissioners of Confiscated property for the District of Salisbury, be directed in the mean time to forbear to sell the Tract of Land thereby intended to be secured to Jeremiah and Robert Field, which was late the property of William Field, and is situated in the counties of Rowan and Surry.

Mr. J. G. Blount, from the Committee to whom was referred the petition of Josiah Parker, delivered in the following Report, viz :

Your Committee to whom was referred the representation of Col. Josiah Parker, report :

That Col. Josiah Parker is possessed of a Note dated the 7th Day of May 1781, signed by Benjamin Hawkins, Esquire, late Commercial Agent for this State, as Agent aforesaid, for Ninety-four Barrels of Merchantable Pork, with an Interest of Ten per Cent til paid, and by Mr. Hawkins' Account settled, it appears that seven hundred and fifty-two bushels of Alum Salt were purchased by him of Col. Parker, and a note given for the aforesaid Ninety-four Barrels of Pork, and that the State is indebted to Col. Josiah Parker and Messrs. Thomas and Titus Ogden for the same, but said Parker being possessed of the note is entitled to a recovery from this State for the whole amount thereof, wherefore the Committee Report that the Pork at that time was worth as appears by a late adjudication of the Superior Court at New Bern Five pounds Ten Shillings per Barrel, which with the Interest will amount to Eight hundred & fourteen pounds five Shillings & Six pence. Your Committee are of opinion that the Governor be directed to take up Mr. Hawkins' note and issue two warrants in favor of Col. Josiah Parker, for the Sum of Eight hundred & fourteen pounds five Shillings and Six pence, being the amount of the note and Interest up to the Seventh of January, 1787.

J. G. BLOUNT, Ch.

The House taking this report into Consideration, Concurred therewith.

Mr. Dickens, from the Committee of Claims, delivered in the following Report, viz. :

Your Committee to whom was referred the claim of Nicholas Long, Commissioner of Confiscated property for the District of Halifax, on examining the several papers in support of the said claim, find that the said Nicholas Long, during his continuance in office, did expend for the purpose of employing an attorney to prosecute for the State in Condemning disputed property, paying the printers of Virginia, South Carolina and this State for publishing advertisements for the sale of confiscated property, and other extra expenditures not included in his Commissions, the Sum of Seventy-five pounds one Shilling and Nine pence, of which Sum he has received Articles of Confiscated property to the amount of Thirty-two pounds Seven Shillings, whereby a balance of forty-two pounds fourteen Shillings and Nine pence appears to be due the said Long, which Sum of forty-two pounds fourteen Shillings & Nine pence the Treasurer is hereby directed to pay and shall be allowed in the settlement of his public accounts, all which is submitted.

ROBERT DICKENS, Ch.

The House taking this Report into consideration, Concurred therewith.

Mr. Wyatt Hawkins, from the Committee of Propositions and Grievances, delivered in the following Report, viz. :

Your Committee of Propositions and Grievances to whom was referred the petition of the Inhabitants of Fayetteville, praying that sundry persons therein named should be exonerated from the fines and amercements of the Superior Court of Wilmington District in consequence of a prosecution carried on against them by a certain Thomas Caban and Mary Brown, for a Riot and assault, are of opinion that the prayer of the petition be granted all which is submitted.

WYATT HAWKINS, Ch'n.

The House taking this Report into consideration, concurred therewith.

Mr. Wyatt Hawkins, from the Committee of Propositions and Grievances, delivered in the following Report, viz. :

Your Committee of Propositions and Grievances, to whom was referred the petition of James Fletcher, Report,

That it appears to your Committee by a Certificate from Chas. Gordon, that the said James Fletcher, Entry Taker for the county of Wilkes, did in January 1779, furnish the said Charles Gordon with Nine hundred and Seventy-five Dollars for the public use. It also appears from the deposition of the said Fletcher on the back of Mr. Gordon's Certificate, that the said Monies had never been reimbursed him. But it does not appear to your Committee that the said James has settled his account as Entry Taker, or that the said Certificate was refused to be allowed as the Law directs, in such cases.

Your Committee beg leave to lay those facts before your Honbl. body for a decision thereon, all which is submitted.

WYATT HAWKINS, Ch'n.

The House taking this report into consideration, Concurred therewith.

Whereupon, Resolved, That James Fletcher be allowed the sum of Sixty-five pounds Currency for the sum of Nine hundred and Seventy-five dollars in the State Currency furnished Charles Gordon, Colonel of Wilkes County, in January in the year 1779, for the public use, the same having never yet been repaid to him, that the Treasurer pay him the same and be allowed in the settlement of his public accounts.

Mr. Dickens from the Committee of Claims delivered in the following Report, viz.:

Your Committee of Claims to whom was referred the Claim of James Blount, on examining the premises they find that in April, 1779, a Certain Negro woman called Esther the property of said Blount, was tried and condemned by a Court held for that purpose and was executed pursuant to the Judgment of said Court, which said Negro was valued by the Court at Eight hundred pounds as will appear by the proceedings of the Court to which your Committee beg leave to refer your Honorable House.

All which is submitted.

ROBERT DICKENS, Ch'n.

The House taking this report into Consideration concurred therewith, whereupon,

Resolved, That James Blount be allowed the sum of forty pounds for a Negro Woman called Esther, tried, condemned and caused to be executed by a court called for the purpose of trying her for a Capital offence, that the Treasurer pay him the same and be allowed in the settlement of his accounts with the public.

Mr. Dickens from the Committee of Claims delivered in the following Report, viz.:

Your Committee of Claims to whom was referred the Memorial of the Executors of Robert Hogg, Deceased, Report—

That on examining the several depositions, receipts and other papers laid before your Committee in support of the several matters in the said Memorial contained. It appears that in March, 1776, pursuant to a determination of a Court of Officers as set forth by the Memorialist, Four hundred and twelve bushels of Salt was impressed from George Mylne, &c., whose rights since devolved on the said Robert Hogg, which quantity of Salt was actually delivered to the public as will appear by the papers marked Nos. 1 & 2, to which your Committee beg leave to refer this Honorable House.

That in the same year (from the relation of Colo. Nicholas Long then quarter Master General of this State) it also appears that twenty-four thousand feet of lumber was taken from Hogg & Campbell (whose rights have since devolved on the said Robert Hogg) for the purpose of building Barracks for the Troops then stationed in the Neighborhood of Wilmington under the command of General Moore and General Ashe; and that the said Robert Hogg never received any satisfaction for the same, nor any person claiming by or under him as will more fully appear by the deposition of James Burges contained in the paper marked No. 3, to which your Committee beg leave also to refer your Honorable House, at the same time suggest that by an act of Assembly passed at Wake, 1781, salt was rated at forty shillings specie per bushel.

Your Committee have thought proper to thus state the facts and submit them to this Honorable House for a determination thereupon.

ROBERT DICKENS, Ch'n.

The House taking this Resolution into Consideration came to the following Resolution:

Whereas, it appears from the report of a Committee this day de-

livered into this House that in March in the year one Thousand Seven hundred & Seventy-six four hundred & twelve bushels salt were impressed for the public use from Mylne & Company whose rights have since devolved on Robert Hogg, and that about the same time a quantity of Lumber to the amount of twenty-four thousand feet the property of Hogg and Campbell, whose rights have also since devolved on the said Robert Hogg was impressed for the use of the Continental Troops then on their march to South Carolina; And whereas, it is reasonable that the said Hogg should be allowed and paid for the same by the public in like manner as other individuals have been allowed and paid for articles impressed from them for public uses,

Resolved, therefore, that the Comptroller be directed to issue a Specie Certificate to the Executors of said Robert Hogg for Eight hundred and Ninety-six pounds, which shall be chequed in the usual manner and shall stand on the same footing with respect to payment and value as other Specie Certificates and to bear Interest from the last day of March in the year 1776. That the Comptroller be directed to charge the same to the continent and to file the Vouchers of Mr. Hogg's Accounts in his office.

Mr. Wyatt Hawkins from the Committee of Propositions and Grievances delivered in the following Report, viz.:

Your Committee of Propositions & Grievances to whom was referred the representation and Petition of James Holland, Report—

That on examining the several papers in support of the allegations in the said representation and Petition set forth it appears that Mr. Holland was legally appointed Superintending Commissioner of Specific supplies in the District of Morgan in the year 1782, and that he was authorized by the then Governor, to barter a proportionable part of the Grain Tax of that District, by him to be received from the County Commissioners for Beef Cattle and other necessaries to support the expedition then going forward against the Hostile Towns of the Cherokees under the Command of General McDowell. That in order to procure such Cattle and provisions he was compelled to pledge himself which he did on the faith of the Tax then about to be collected, but in the event it so happened that Specifics equal to the discharge of the whole of his contracts in this behalf could not be obtained, in consequence of which recoveries have been had against him to a very considerable amount, and that



he now stands liable for Considerable Sums on Account of purchases actually made for and converted to the use of the public agreeable to the express directions of the then Governor.

It also further appears that Mr. Holland has not received any Satisfaction or reimbursement from the public for his own services in this business, or for the Monies he expended in employing others, necessary to assist him in conducting the business properly.

Your Committee in order that Mr. Holland should be reimbursed, do recommend that the Treasurer be directed to pay him two hundred and forty-three pounds eight shillings and seven pence, it being the amount of the sum by said Holland expended on the public Account.

All which is submitted.

WYATT HAWKINS, Ch'n.

The House taking this Report into Consideration, Concurred therewith.

Received from the Senate a Resolve of that House directing the Secretary to issue Military Land Warrants or the application of Isaac Hicks & others, which, being read, was ordered to lie on the Table, whereupon,

Resolved, That the Secretary be ordered to issue Land Warrants to such Officers and Soldiers of the late Continental Line as by Law they are entitled to, to prevent frauds.

Resolved, That all Certificates on which such claim for warrants shall be grounded, shall be signed by a Captain or Subaltern and Countersigned by a Field Officer, both of which shall certify that that they know of their own knowledge that such claimant has actually performed the service for which he claims said warrants.

Whereas, it appears by the report of the Committee appointed to consider of and report upon the Petition of Sundry the inhabitants of Fayetteville in behalf of Nathan Steadman, Senior, Nathan Steadman, Junior, Duncan Ockeltree, James Dick and Anthony Rosney, that they were indicted, convicted and fined at the Superior Court of Law and Equity, held for the District of Wilmington some time past, for a riot and assault committed in the attempting to expell from Fayetteville a certain Thos. Caban and Mary Brown, who had rendered themselves obnoxious to the Inhabitants of Fayetteville by many immoralities repeatedly committed and continued by

them, and by their lewd life and Conversation; and, Whereas, the said Committee have recommended to this Assembly that the said persons should be relieved from the said fines on them respectively imposed as being a case of a peculiar hardship.

Resolved, therefore, That the said Nathan Steadman, Sen., Nathan Steadman, Jun., Duncan Ockeltree, James Dick and Anthony Rosney, and each of them shall be and they and each of them are hereby discharged and fully acquitted of and from the payment of the said fines so imposed upon them for the cause aforesaid; and from all obligations made in consequence thereof, and all public officers are required to take notice of this resolution and to Govern themselves accordingly.

The House adjourned till To-morrow Morning 9 O'clock.

Saturday 30 January, 1786.

The House met according to adjournment.

The Honbl. the Speaker laid before the House a Petition from Sundry the Inhabitants of the Counties of Wayne, Dobbs and Nash, which, being read, Mr. McKinne moved for leave to withdraw the said Petition. Ordered that he have leave accordingly.

Mr. Dickens presented the Petition of John Smith & Robert Brak, which, being read, was referred to the Committee of Propositions and Grievances.

Received from the Senate the Petition of Mary White. Endorsed in Senate, "read & referred to the Committee of Petitions & Memorials," which, being read, was referred as by the Senate.

Ordered that a writ of Election issue to the County of Hertford for the Election of one Member of this House, in the room and stead of William Hill, Esquire, deceased, and that the said Election be held on the twenty-second Day of February next.

Mr. Dickens from the Committee of Claims delivered in the following Report, viz.:

Your Committee of Claims to whom was referred the Message from His Excellency the Governor, respecting a Captain Lustre, on examining the several papers laid before your Committee in support of Captain Lustre's claim. It appears that in the year 1779, the then Governor, borrowed of Captain Anthony Lustre a quadrant for the use of the Commissioners appointed to run the dividing line between this State and the State of Virginia and it was actually

made use of by said Commissioners in extending the said line, as also by the Commissioners for laying out the bounds of the Officers and Soldiers lands, and that the said quadrant has not been returned to the said Captain Lustre nor any satisfaction therefor. It also appears by incontestible testimony that the said quadrant cost Captain Lustre twenty-five pounds in Specie a few months before he lent it to the Governor.

Your Committee are therefore of opinion that he be allowed the said Sum with interest amounting in the whole to thirty-five pounds Sixteen Shillings as per Account marked No. I.

All which is submitted.

ROBERT DICKENS, Ch'n.

The House taking this Report into consideration concurred therewith.

The Honorable the Speaker laid before the House a letter from the Honorable Judge Spencer & Judge Williams, which, being read, the following Message was ordered to be sent to the Senate:

Mr. Speaker & Gentlemen :

Agreeable to the request of the Honorable the Judges this day handed to us, and herewith transmitted to you we propose that the two Houses meet in conference for their reception at ten of the Clock on Monday morning next.

Received from the Senate a Resolve of that House declaring that the mode adopted by the Court of New Hanover for the admission of certain Justices of the Peace (who were suspended from exercising the office of Justices) was illegal and authorising them to qualify & act under such qualification, which, being read, was concurred with.

Received from the Senate the following Message of yesterday :

Mr. Speaker & Gentlemen :

The Senate approve of part of the Resolution of your body of this date relative to the mode of paying the members of the present Assembly, and will concur with it provided you will agree to amend the latter part thereof by deleting from the word Certificates in the 7th line from the bottom and inserting in the place of the lines so to be deleted, the words, "*he taking a receipt for the money so advanced, and endorsing on the Back of each Certificate the amount of the sum or part paid.*"

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Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We cannot agree with the alteration by you proposed to be made in the resolution of yesterday respecting the payment of the Members of the General Assembly, but propose the following amendment to it, "and that he shall endorse on each Certificate so taken in the sum paid on it and the sum still remaining due." We have made the resolve conformable to this proposition.

Received from the Senate the reports of the Committee on the Petition of Mrs. Salter and the Memorial of John McNeil. Endorsed in Senate, "read & concurred with," which, being read, was concurred with by this House.

Received also, the report of the Committee on the Petition of James Ransom and Young Maclemore. Endorsed, "read & concurred with," which, being read, was recommitted by this House.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We do not concur with the report of the Committee on the Petition of James Ransom and Young Maclemore, but propose that it be recommitted.

The Bill to amend an Act entitled "an Act to amend an Act entitled 'an Act for ascertaining what property in this State shall be deemed Taxable property, the method of assessing the same & collecting public Taxes,'" was read the third time, amended, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

Pursuant to your proposition of this day we agree that the two Houses assemble in Conference on Monday next, for the purpose by you expressed and at the time by you appointed.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

By the request of Mr. Rowan and Col. Moore, we propose that their names be withdrawn from the nomination for Treasurer.

Mr. Dickens, from the Committee of Claims, delivered in the following Report, viz. :

Your Committee of Claims, to whom was referred the petition of Burwell Stricklin, Report,

That on examining the premises, it appears that the said Burwell Stricklin had consumed by fire Auditors Certificates to the amount of Seventy-eight pounds Specie. Your Committee therefore are of opinion that the Comptroller be directed to grant him a Certificate for that sum.

All which is submitted.

ROBERT DICKENS, Ch'n.

The House taking this report into Consideration, Concurred therewith.

The Bill for levying a Tax for the support of Government, and for the redemption of old paper Currency, Continental Money, and Specie and other Certificates, was read the third time, amended, passed and sent to the Senate.

Mr. Holland moved for leave to enter his protest against this Bill. Ordered that he have leave accordingly.

Mr. Dickens, from the Committee of Claims, delivered in the following Report, viz. :

Your Committee of Claims to whom was referred the Petition of Henry Pursé, after examining the several charges mentioned in his claim, are of opinion that the said Pursé exhibited a claim for the same articles to the last General Assembly, and was allowed a considerable sum in full of all such accounts to that time, therefore reject the petition. All which is submitted.

ROBERT DICKENS, Ch'n.

The House taking this Report into Consideration, Concurred therewith.

The Bill to amend an Act entitled "an Act for emitting one hundred Thousand pounds paper Currency for the purpose therein mentioned, for appropriating the Tobacco lately purchased by virtue of the said Act towards discharging the Interest of the foreign Debt due by the United States," &c., was read the third time, amended, passed and sent to the Senate.

Received the Resolve of this House for laying over until the next Assembly a Bill to invest the Title of a certain Tract of Land therein mentioned in Jeremiah and Robert Field, sons of William Field.

The Resolve for acquitting Nathan Steadman, Sen., and Nathan

Steadman, Jun., Duncan Ockeltree, James Dick, and Anthony Rosney, from certain fines imposed by the Superior Court of Wilmington District, and

The report of the Committee of the claim of Nicholas Long, Commissioner of Confiscated property, &c., severally concurred with.

Received from the Senate a Bill directing the Commissioners of Confiscated property to receive Certificates agreeable to a resolution of the last General Assembly. Endorsed, "read the first time & passed."

Received from the Senate the Memorial of Hodge and Blanchard. Endorsed "in Senate, read and referred to Messrs. Herndon, Hill & Herritage," received also,

The Report of the Committee on the petition of John B. Ashe and James Gray, Guardians of McKinne Sumner and Jackie S. Sumner, orphans, &c. Concurred with.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We further add to the nomination for Councillors, James Sampson, Esquire.

The Bill to bring to condign punishment, and to secure their estates so as to be answerable to the public the persons accused of certain crimes and fraudulent practices, and to indemnify persons as have acted in pursuance of certain resolutions of this Assembly from Vexatious Suits and prosecutions, and to establish a board for the detection and further discovery of the said fraudulent practices, and for settling and liquidating the accounts of the officers and Soldiers of the Continental line, was read the second time, amended, passed & sent to the Senate.

Ordered that Messrs. Polk and Neale be appointed to superintend the Ballotting for the several officers, &c., on the part of this House.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

We have appointed Col. Harget and Mr. Lewis to superintend the Ballotting, and are now ready to proceed on the same.

Mr. Davie moved, and was seconded, that the House should meet and proceed on the dispatch of business To-morrow, which was objected to, the question being put, was carried in the affirma-

tive, whereupon the Yeas and Nays being required by Mr. W. Hawkins, which are as follows, viz.:

Yeas.—Messrs. J. G. Blount, Copeland, Creecy, Winslow, Fulford, Whitfield, Rhodes, Philips, Dickson, Cox, Randal, McKenzie, Palmer, Holland, Dodd, Hutchings, McKinne, Davie, Cabarrus, W. Taylor, Martin, Yates, Alexander, Frohock, Carson, Pearson, Humphries, (of Wake), McDowell, Gardner, R. Blount, Williams, White, Brown, Hooper, Lewis, Brickell, West.—37.

Nays.—Messrs. P. Robeson, Hay, W. Wood, Hamilton, Hall, Willis, Bond, Bell, Everagin, Scott, J. Taylor, Holmes, Webb, Sanders, Lanier, Covington, Phifer, Yancey, P. Hawkins, Jos. Stewart, W. Hawkins, Franklin, Isler, Sloan, Vance, Eborn, Grant, Bethell, Bloodworth, Perkins, Lennard, Lindley, McDowell.—33.

Received from the Senate the report of the Committee on the petition of Robert Bogle.

The Report on the Memorial of Jephtha Terrell, & the report on the petition of William Moore. Endorsed, "read and occurred with."

Received from the Senate the Report of the Committee on the petition of John Baird. Endorsed "in Senate, read and Concurred with," which being read and amended by adding the following words to the report, viz.: "And that in the Certificate so to be issued the Comptroller make mention that the same was issued in lieu of the one burnt as above mentioned," was Concurred with by this House.

Received from the Senate a Resolve of that House appointing Messrs. Harget, McCawley and Gillespie, a Committee to report to the House the names of such officers of the late North Carolina line who have attended on this Assembly in consequence of a proclamation issued by His Excellency, the Governor, and who ought to be allowed for such attendance.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We agree to the Resolve of your House for appointing a Committee to report to the two Houses the names of such officers who have attended on this Assembly, &c., and have on our part appointed Messrs. Hawkins and Lewis a Committee.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

With the recommendation of your House for appointing Justices

of the Peace for the county of Orange, we do not wholly concur for this reason, that there appears two Gentlemen named in the Town of Hillsborough, where there is three acting Justices already; as to Mr. Anderson, C. Nicholas, Gibbs, and Jonathan Lindley, we concur.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have received your Message relative to the Justices recommended to be Commissioned for the county of Orange, and we do not concur on it. We find that Mr. William Walters and William Lytle recommended by both the Members for the county as well as by the Member for the Town, one of the Justices for the said county chiefly resides in the Western county, and we cannot but conceive that three of the representatives of the said county are as well acquainted with the State of the bench of Justices as the single Member opposed to the nomination of this House, and that the said three Members are as well disposed to support the Character of the bench of Justices as the Individual who does not concur with their recommendation.

Received from the Senate the petition of Mary Moore. Endorsed in Senate, "read and referred to the Committee on Petitions and Memorials," which, being read, was referred as by the Senate.

The Bill for laying a Tax on all Seamen coming into the respective ports of this State, for raising a fund for the support of such Seamen and for the proper appropriation of the same, was read the second time, passed and sent to the Senate.

The Bill for the more expeditious recovery of Stolen Horses, was read the second time & rejected.

Mr. Polk, from the joint Ballotting, Reported that John Haywood, Esquire, was elected Treasurer; John McCulloch, Collector; and Samuel Hall, Naval Officers, for Port Swanborough; and Peter Casseau, Vandue Master for the Town of Washington.

That the three Councillors and a Vandue Master for New Bern were yet to be ballotted for.

The House taking this report into Consideration, Concurred therewith.

Mr. Wyatt Hawkins, from the Committee of Propositions and Grievances, delivered in the following Report, viz. :

Your Committee of Propositions and Grievances to whom was



referred the petition of William Graves and Elijah Hunter, Report, That on examining the premises, it appears to your Committee that the said petitioners were amerced by the Superior Court of Hillsborough district to the amount of Twenty-five pounds each for failing to deliver the body of a certain Thomas Landram agreeable to their recognizances taken by the Justices of Chatham county and returned to the said Court, which fines were actually levied and collected by the Sheriff of Chatham county, pursuant to a writ of Election from the said Superior Court. That the said petitioners were at the expence of bringing the said Landram from Georgia and delivered him to the Superior Court of said District at the term held next after the said fines were decreed, and he was then tried and acquitted of the charges of which they were bound for his appearing and answering, but was convicted of another crime then brought against him.

Your Committee taking under Consideration these Circumstances are of opinion that the State was not injured by the non-appearance of the said Thomas Landram, and that the fine decreed against the said petitioners by the said Court, and levied and Collected as aforesaid was only in Compliance of the strict formalities of Law, and do therefore recommend that the Treasurer be directed to pay the Sum of Twenty-five pounds to each of the petitioners, it being the amount of the fine levied and collected from them in consequence of the decree of the said Court.

All which is Submitted.

WYATT HAWKINS, Ch'n.

The House taking this report into Consideration, Concurred therewith.

Mr. Hay, from the Committee to whom was referred the petition of Sundry Inhabitants of Randolph county, delivered in the following Report, viz. :

The Committee to whom was referred the petition of Sundry Inhabitants of Randolph county in behalf of Joseph Clarke, having examined the papers touching the same Report,

That from the Depositions of John and Joseph Haggett and William Robins, as also the information of Mr. Bell, one of the Members for Randolph county, and of Thomas Frohock, Esquire, the member of Salisbury. It doth not appear that Henry Eustice

McCulloch ever had any title to the one hundred and fifty acres patented by Joseph Clarke aforesaid; and by the Commissioners for Hillsborough District to sell Confiscated property sold to Andrew Gibson, who, as appears to your Committee bid off the same with full notice of the premises.

Your Committee are therefore of opinion that no grant ought to issue pursuant to the said sale for the said one hundred and fifty Acres.

JOHN HAY, Ch'n.

The House taking this Report into consideration concurred therewith.

Received from the Senate the Report of the Committee on the Memorial of Angelica Wilton. Endorsed in Senate, "read and concurred with," which, being read, was concurred with by this House.

The House adjourned 'til To-morrow Morning 9 O'clock.

Sunday 31 December, 1786.

The House met according to adjournment.

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

The Senate have considered of the Report of the Committee to whom was referred Captain Fenner's second representation, and to whom was committed the consideration of the purport of his first, and have determined that this report so far as it relates to making Captain Fenner an allowance for his services as Agent of the late North Carolina Line shall be deled, that Captain Fenner be allowed the sum of two hundred pounds for his Services aforesaid in advance; that he be allowed one hundred pounds in full of his Expenses in this business to the present date, and that he make up and deliver to the next General Assembly a Complete Statement of his Accounts as Agent, and that his Services in this business be then considered and an adequate Compensation made him, and that he deliver up the Certificates and cheques thereof now on hand to the Public Treasurer taking his receipt for the same. Should the House of Commons concur with the Senate in opinion as to these propositions they will, on being informed thereof, cause a Resolution to be drawn up for those purposes.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree to the measures by you proposed with respect to the report on the representation of Captain Fenner as amended by this House.

Ordered that Mr. Palmer have leave to absent himself from the services of this House.

The Bill to consign to oblivion any misconduct of the Citizens within the Counties of Washington, Sullivan and Greene, was read the second time, amended, passed and sent to the Senate.

The Bill to repeal part of an Act passed at New Bern the 29th Day of December, 1785, entitled "an Act for destroying Wolves, Wildcats, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned," was read the third time, passed and ordered to be Engrossed.

Received from the Senate a Bill to amend and alter the Court System. Endorsed, "read the second time, amended and passed," and a bill for appointing the place of holding Courts in the County of Sullivan. Endorsed, "read the third time and passed."

Received from the Senate the Report on the Petition of Josiah Parker, the report on the Petition of James Holland, the report on the claim of Captain Lustre, the report on the claim of Burwell Stricklin and the report on the claim of Henry Pruss, severally endorsed, "read & Concurred with."

Received from the Senate the Report of the Committee on the Memorial of the Executors of Robert Hogg, Deceased, & the Resolve of this House in consequence thereof, and the Report on the Claim of James Blount & Resolve in consequence thereof. Endorsed, "read & Concurred with."

Received from the Senate the Resolve of this House directing the Secretary to issue Land Warrants to such Officers and Soldiers of the late Continental Line as by Law they are entitled to. Concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen :

We consent that the Report of the Committee on the Petition of James Ransom and Young Maclemore be recommitted.

Received from the Senate the Resolve of this House for inserting

the name of Major Reading Blount in a former Resolve of the General Assembly immediately after the name of Col. John Armstrong. Concurréd with.

The Bill to amend an Act entitled "an Act for the more regular collecting payment of and accounting for the public Taxes, and for levying certain duties therein mentioned," was read the third time, amended, passed and sent to the Senate.

The Bill for enabling Executors and administrators to make a speedy settlement of their Accounts, was read the second time, passed & sent to the Senate.

The Bill for purchasing Arms and Military Stores, and for establishing a Magazine, was read the second time, amended, passed and sent to the Senate.

The Bill prescribing the method of admitting Attornies to practice in the several Courts of Law & Equity in this State and ascertaining how they shall be tried for misbehaviour, was read, the third time, amended, passed & sent to the Senate.

The Bill to appoint the place of holding Courts in the county of Sullivan, was read the third time, passed and ordered to be engrossed.

The Bill to appoint Commissioners to carry on and finish the Public Buildings in the county of Anson, was read the Second time, amended, passed and sent to the Senate.

The Bill to enable the Executors of Robert Hogg to maintain and defend Suits under the regulations therein mentioned, was read the Second time, passed & sent to the Senate.

The Bill directing the Commissioners of Confiscated property to receive Certificates agreeable to a resolution of the last General Assembly, was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committes on the petition of John Rutherford. Endorsed in Senate, "read and Concurréd with," which, being read, was Concurréd with by this House.

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

The Senate have not agreed with you as to the time of making up the Estimates, but propose that they be made up to Saturday next inclusive, which is in their opinion as short a day as can with

propriety be fixed on, the multiplicity of business now before the two Houses considered. We agree with you as to the mode of making up these Estimates.

Mr. Speaker & Gentlemen :

We have again taken up and considered the Report of the Committee on the petition of Zepheniah Waller, and have determined that the said Report shall not be considered as having been rejected, but as being laid over till the next Assembly, by which time it is suggested Mr. Waller will be able to produce other and more sufficient Testimony in support of his Claim therein set forth.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree that the Estimate of allowances be made up to include Saturday next by you proposed, and also agree that the report of the Committee on the petition of Zepheniah Waller be laid over until the next Assembly.

The Bill to repeal an Act entitled "an Act, to allow further time for saving Lots in the several Towns within this State so far as the same relates to the Town of Kingston," was read the second time, passed and sent to the Senate.

The Bill to amend an Act passed at Hillsborough in the year 1782, entitled "an Act to vest the title of a Certain Tract of Land in Robert Cummins," was read the Second time, passed & sent to the Senate.

The Bill to keep open Cape Fear, Uharie, Rockey River of Pee Dee, the Catawba, Deep River, Haw River and Rocky River for the passage of fish up the same, was read the second time, amended, passed and sent to the Senate.

Resolved, That the Sheriff of New Hanover county be and he is hereby required and directed to restore to John Rutherford the negro Slaves the property of the said John Rutherford, William Gordon Rutherford, and Frances Menzies' Widow, hired out by order of the Court of said county, together with such Monies and Securities as he may have received for the said hire.

The Bill to vest the title of a Piece or Parcel of Land lying in Jones county in Howel Brown, &c., was read the second time, passed and sent to the Senate.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the report of the Committee on the accounts of the officers of confiscation, &c., be amended by striking out the clause relative to Col. Sitgreaves included within lines, this amendment being made we will concur with the same.

Received from the Senate the Bill to repeal an Act entitled "an Act to secure and quiet in their possession all such persons their heirs and assigns who have purchased or may hereafter purchase Lands & Tenements, &c. Endorsed, "read the first time & passed."

Whereas, Benjamin Shepperd, the late Commissioner of the District of New Bern, hath neglected to take Bond for the Sales of property in many Instances, and to account with the public therefor, and hath notwithstanding charged a Commission on such sales, therefore,

Resolved, that the Comptroller be directed to furnish General James Armstrong, the present Commissioner for the District of New Bern with an account of the property sold by the said Shepperd for which no Bonds hath been given or payment made, and that General Armstrong be and he is hereby directed to sell the same agreeable to Law and under the same terms which he has disposed of Confiscated property in virtue of the Law under which he has acted, and,

Resolved, that the Comptroller be directed to furnish the Treasurer with the amount of the Commissions drawn by the said Benjamin Shepperd on the above described property, and the said Treasurer is hereby directed to make demand of the same from the said Benjamin Shepperd, and upon his refusal or neglect to pay to commence Suit against him without delay, and

Whereas, the General Assembly are informed that Benjamin Exum, late Treasurer for New Bern District, has never finally settled and accounted for the monies which came to his hands as Treasurer,

Resolved, therefore, that the Comptroller immediately report the balance or balances due from the said Benjamin Exum to the State, as well as the balances due from all other defaulters in whose hands public Monies may be, to the Treasurer who is hereby required without delay to demand, sue for and recover the same.

Received from the Senate the Report of the Committee on the petition of John Kendrick, which, being read was recommitted, that the Committee may report whether there is not an Act of Assembly in force making provision for Persons under the description of the petitioner.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose ballotting at 4 O'Clock to-morrow evening for purchasers of Tobacco for the Towns of Halifax, Tarborough and Fayetteville, for the three Councillors yet to be elected, for a vendue master for the Town of New Bern, an Entry Taker of Western Lands. We nominate for Commissioners of purchasing Tobacco, Thomas Hogg, for the Town of Halifax, James Porterfield and John Ingram for Fayetteville, Ethelred Philips for the Town of Tarborough; for Councillors we nominate the four Gentlemen who had the greatest number of votes the last Ballotting to wit, Joseph McDowell, Thomas Brown, John Nelson and Spyers Singleton, Esquires; John Armstrong and William McCawley, Esqrs., for Entry Taker of Western Lands, Titus Ogden & Bazel Smith for Vendue Master for New Bern. We further add to the nomination for Councillors Robt. Bignall, Esqr. We have appointed Col. Polk and Mr. Neal to superintend the Ballotting.

The House adjourned 'til To-morrow Morning 9 O'clock.

Monday, 1 January, 1787.

Resolved, That His Excellency be and he is hereby required to cause the list of Negroes carried away by the British, in contravention of the late Treaty of Peace, which are supposed to belong to the Citizens of this State to be published for one month in the North Carolina Gazette for the information of all persons whom it may concern.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the two Houses meet immediately agreeable to the proposition of this House on Saturday last to receive and hear the Judges on the subject of the charges to be exhibited against them, and that two of the Members from each House attend their Honors and acquaint them therewith.

Received from the Senate a Resolve of that House allowing Robert Fenner, Agent, &c., two Hundred Pounds, & directing him to deliver up to the Public Treasurer the Cheques, &c., which, being read was concurred with.

Received from the Senate the following Message of yesterday :

Mr. Speaker & Gentlemen :

We agree to ballot to-morrow at the time and for the several appointments by you mentioned except an entry Taker for western Lands, to which we do not agree. But propose that the fate of the Bill which alone renders such appointment necessary be first known.

Received the following Message :

Mr. Speaker & Gentlemen :

We agree that the two Houses meet in Conference agreeable to your proposition and have appointed Mr. Macon & Mr. Galloway to wait on the Honorable the Judges with this information.

Resolved, That the return of the Comptroller to the Committee respecting the Estimates and Public Debts, shewing the State of our Certificate debt be published and be bound up with the Laws.

Received from the Senate the representation of Duncan McNicoll & Co., Robert Adam, Maurice Carmichael and James Thackston, Merchants in the Town of Fayetteville, which was read.

Agreeable to the request of the Honorable Samuel Spencer, and John Williams, Esquires, and to the Resolution entered into by both Houses in pursuance thereof, the said Houses met in conference in the Commons room to hear the said Judges with respect to certain charges exhibited against them at this Session and committed to the examination of the persons appointed to enquire into the present administration of Justice in the Superior Courts, whereupon the Judges appearing,

Mr. Maclaine from the Committee to whom was referred the examination into the present mode of the administration of Justice in the Superior Courts of Law and Equity, delivered in a report, which was read in the following words.

The Committee to whom was referred the examination into the present mode of the administration of Justice in the Superior Courts of Law and Equity, Report—

That Peter Mallett having been indicted for high Treason in Wilmington Superior Court, was in May term, 1783, brought to hi



trial, and having pleaded a pardon of the Governor, the verdict of the Jury was, that he was not excepted out of the same, and that he had performed the Conditions thereof, and the Judgment thereon was that the pardon should be admitted according to the purport thereof for pardoning the said crime and restoring the said Peter Mallett to all the Privileges of a Citizen; and it was the opinion of the Court at the last term under the Act of Assembly for suspending the privilege of the said Peter Mallett to commence or prosecute any suit in Law or Equity, in consequence of the said pardon such judgment be rescinded and fully vacated. That at Hillsborough in October term, 1785, two suits of the said Peter Mallett were refused to be tried, the Court questioning the right of him, the said Peter, to commence or prosecute any Suits, and that at Wilmington in December term in the year last mentioned, the said Peter Mallett having obtained Judgments at the said term against divers persons, the Court ordered that Executions on the said Judgments should be stayed until it should be decided whether the said Peter Mallett was not disabled from suing in the Court.

That at Wilmington Court in June, 1786, upon motion of Peter Mallett's Attorney that cause might be shown why his the said Peter's, right to sue in the Courts of this State, should be suspended, a day was given them to argue the same, and on argument the Court were of opinion that this question had been before decided in May term, 1783, therefore, it was the opinion of the Court that the subsequent order should be vacated, and for the proof of these facts, your Committee beg leave to refer to the paper marked No. 1, containing extracts from the records of Wilmington Court, the latter part of the deposition of John Huske, marked B, No. 2, the information of the Lawyers on the Committee who practice in Hillsborough and Wilmington Courts, and McNeill's Petition with papers enclosed marked A.

That at Wilmington Superior Court in December term, 1785, indictments were preferred by express directions of the Court against a certain Francis Brice and a certain Daniel McNeil for misdemeanor in returning to this State after having committed divers treasonable acts, and having fled for the same, contrary to the meaning and spirit of the Treaty of Peace and to the Laws and Constitution of the State, and in order that the Bills might be found by the Grand Jury who doubted whether the charges in the indict-

ments amounted to a crime, did expressly direct the said Grand Jury that if the facts charged appeared to them to be true, they were to find the Bills and that the Court and not they were to judge whether the act was Criminal and in what degree, and that the Judges during the trial in these causes hereafter mentioned, said that no Sovereign State or Government was without a power to prevent it from receiving injury, that the return of the said Francis Brice and Daniel McNeil was a misdemeanor in each of them and that a Law should have been made against the return of such Characters to the State, or to that effect. That the Indictments were found and the said Brice and McNeil tried (although the former prayed time for his trial alleging the want of his Council) and convicted, and the Court laid a small fine upon each of them (reasons in arrest of Judgment being offered by Francis Brice's Attorney and overruled) and adjudged that the said Francis Brice should stand committed until he should pay his fine and enter into Security before two Magistrates himself, in the Sum of five hundred pounds, and two Securities in the sum of two hundred and fifty pounds each, that he should depart the State within Sixty Days and the like Judgment with respect to Daniel McNeil, and for proofs of the above facts your Committee refer to authenticated copies of the Indictments, verdicts and judgments marked No. 3, the deposition of the Attorney General marked No. 4, and the deposition of John Huske marked B, No. 2.

That the Judges, Spencer & Williams, did in some instances receive monies levied for forfeited recognizances and fines imposed by themselves, and that all the Judges at Wilmington Court in December term, 1785, did declare that the General Assembly had no power to remit or suspend the payment of fines until they should be paid into the Treasury. See the papers marked No. 5 & 6. And your Committee for the declaration of the Judges as to the power of the General Assembly refer to the information of the practicers of the Law on the Committee who attended Wilmington Court.

That Judge Williams at Wilmington in June, 1786, in the case of Williams, surviving partner of John & Co. against Whitsell on a bond to which the defendant had pleaded payment and on which the Jury meant to calculate the interest and deduct some payments which had been made, the said Judge after directing them to find the issue for the Plaintiff expressly directed the Clerk of the Court

to strike off Six years Interest without any plea of the defendant or any suggestion on his part that the plaintiff came within the description of the Act of last Session for preventing the recovery of Interest in certain cases; for proof of this your Committee refer to the information of Colo. Thomas Brown, who was one of the Jury, William Hooper, Esquire, of Council for the defendant, and a transcript of the records in that cause marked No. 7.

That Judge Spencer at Morgan Superior Court in the term of September, 1785, declined to relieve the Securities in a recognizance on a supposed Judgment and erroneous execution thereon issued, after it appeared that the principal had been surrendered and was actually ordered into custody though the whole appeared to be a misprision of the Clerk. See the Petition of James Blair and others marked No. 8 and the paper inclosed, and that all the said Judges at Wilmington Court in June term, 1786, in the case of Alexander McIver, who was surrendered by his bail on criminal prosecution did adjudge that the said bail should forfeit five pounds each, notwithstanding that they pleaded that they were released and without suffering to try the validity of their plea. See the Petition of Alexander McIver No. 9 and copy of the Record No. 10.

That the Judges, Ashe and Williams, have never attended the Superior Court of Morgan District by reason of which matters of Law in that Court remain undecided (see the presentment of the Grand Jury in that district marked No. 11) and that all the Judges occasionally neglect to attend their Courts regularly, some times arriving late in the terms and some times leaving the Courts early. That Judge Ashe frequently arrived at Salisbury when the term of the Court was far advanced, and almost constantly left New Bern three or four days before the term ended.

That the delay of the Judges was greatly increased by tedious disputes between Judge Spencer and Judge Williams, and all the Judges as if combined to waste their time and delay business by long and frequent unnecessary charges to the juries, even in cases where they have been all agreed, seldom trying more than six or eight cases during a term.

That the number of causes in the Superior Courts are from the above causes and perhaps from others, so much increased that many Suitors have lost hopes of ever seeing them determined, and from the non-attendance of the Judges and their difference of opinion

when there were but two on the bench, matters of Law are left undecided.

All the circumstances with respect to the neglect and delay of the Judges being matter of public notoriety, your Committee have not thought it necessary to produce any proof thereof. That at New Bern Court in May term, 1786, in several Suits brought against Mr. Singleton and others, the defendants under the act for quieting in their possessions the purchasers of confiscated property, produced such affidavits as the act appears to require, and prayed that their Suits might be dismissed, but the Judges declined to decide either for or against the defendant, though another term has elapsed since the arguments were heard, whereas if any insuperable doubts arose on that subject, your Committee submit whether they should not have stated them to the General Assembly, that the act in question might have undergone a revisal. See the New Bern Petition marked No. 12.

Your Committee from the shortness of time which they have had since the examinations were finished and from the delay which would have been occasioned by giving an opinion on the several charges have been obliged to refer them to the General Assembly.

All which is submitted.

A. MACLAINE,  
W. R. DAVIE,  
WILL HOOPER,  
R. D. SPAIGHT,  
J. G. BLOUNT,  
JNO. STOKES,  
JNO. SITGREAVES.

Resolved, That the House resolve itself into a Committee of the whole House to take under consideration the Charges contained in the foregoing report of the Committee against the Honorable the Judges. The House accordingly resolved itself into a Committee of the whole House and chose Richard Dobbs Spaight, Esquire, Chairman, and after some time spent therein Mr. Speakers resumed the Chairs and Chairman reported that the Committee had come to several resolutions but not having time to reduce them to form desired leave until to-morrow to Report them. Ordered that he have leave accordingly.

The House adjourned 'til To-morrow Morning 10 O'Clock.

Tuesday 2 January, 1787.

The House met according to adjournment

Resolved, That John Macon be allowed the sum of Twenty-Eight pounds Sixteen Shillings for serving twenty-four Days as Commissioner for liquidating Army Accounts, and that the Treasurer pay the same and be allowed in the settlement of his Public Accounts.

Resolved, That a Certificate issue to Doctor Charles Pasteur for his attendance as a member of Assembly at New Bern November and December Sessions, 1785, expressing that it issued in consequence of the first being lost by Colo. Whitaker to whom it was delivered, and should they both come to the treasury the said Charles shall be accountable.

Resolved, That Thomas Bridges, who was employed by the Clerk of this House to remove the papers belonging to the General Assembly from New Bern to Fayetteville be allowed the sum of fifteen pounds for such service, which sum the Treasurer is hereby required to pay him, any order to the contrary notwithstanding and for which this shall be his warrant.

Received from the Senate a Bill to authorize the late Commissioners of Specific Supplies for the Counties therein mentioned to collect the arrears, &c.

A Bill to enable the Executors of Robert Hogg to maintain and defend Suits, &c.

A Bill to appoint Commissioners to carry on and finish public buildings in the County of Anson. Endorsed, "read the Second time and passed."

A Bill to repeal an Act entitled "an Act to allow further time for saving lots in the several Towns within this State so far as the same relates to the Town of Kinston," read the third time & passed.

In pursuance of the report of a Committee on the recommendation of Congress on the Claims of Colo. Stephen Moore concurred with by both Houses.

Resolved that the Treasurer be hereby warranted to pay the Sum of two hundred and fifty Dollars with the Interest thereon to the said Moore, and that he be also warranted to pay him the further Sum of three thousand four hundred and nine Dollars and

twenty-two ninetieths with the Interest whenever the said Stephen Moore shall produce a Resolve of Congress signifying that the said Sum when paid, shall be deducted out of the Specie part of any requisition made or to be made on this State, both or either of which payments when made agreeable to this resolution shall be allowed the Treasurer of this State in the Settlement of his accounts.

The Bill for the Support of Government and for appropriating the revenues of the State, was read the third time, amended, passed and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We have received the Message of your House of yesterday, proposing an amendment in the report of the Committee on the account of the officers of the Confiscation, as to that part thereof which respects the account of Col. Sitgreaves, to which proposition we have unanimously agreed to, made the amendment accordingly and now again send that report for your Concurrence.

At the same time received the report above referred to amended agreeable to the proposition of the Senate, which was concurred with as amended & returned.

Received from the Senate the Resolve of this House directing the Comptroller to furnish the Commissioner of Confiscation of New Bern District & the public Treasurer, the former with an Account of the property sold by Benjamin Sheppard, late Commissioner, &c., with an acco't of property by him sold, and for which he hath not taken bond agreeable to Law, and the latter with an account of the Commissions allowed on such sales, and directing each of them in what manner to proceed thereon. Concurred with.

Received from the Senate the Report of the Committee on the petition of William Graves and Elijah Hunter, and the report on the petition of the Inhabitants of Randolph county. Concurred with.

The Bill to amend and alter the Court System, was read the third time and laid over until the next Assembly.

Received from the Senate a Bill to enable William Moore, late Sheriff of Burke county, to collect all the Taxes, &c.

A Bill for laying a Tax on all Seamen coming into the respective ports of this State, &c., and

A Bill declaring what shall be considered misbehaviour, &c., in a Justice of the Peace. Endorsed, "read the second time, & passed."

Received also a Bill for establishing a Militia in this State. Endorsed, "read the third time & passed."

Received from the Senate the Resolve of this House requiring His Excellency, the Governor, to cause to be published the list of Negroes carried away by the British. Concurred with.

Received from the Senate the Resolve of this House allowing John Macon twenty-eight pounds, sixteen Shillings. Concurred with.

The Chairman of the Committee of the two Houses in conference met, who had leave until this day to reduce to form the resolutions of the Committee on the charges reported against the Honorable, the Judges, delivered in the following Report, viz. :

On the first charge as stated in the report of the Committee appointed to enquire into the present mode of administration of Justice in the Superior Courts of Law and Equity, which respected the conduct of the Judges, in the case of Peter Mallett, it was Resolved that the facts reported by the Committee respecting the suspension of Peter Mallett's suits in the Superior Courts, do not amount to a misdemeanor in office. On the Second, which was the banishment of Francis Brice and Daniel McNeill, the following question was proposed, to wit, "are the Judges guilty of any Malpractice in office in the banishment of Francis Brice and Daniel McNeil,"

It was resolved in the Negative.

The Committee then proceeded to take up the remaining part of the report containing sundry charges against their Honors, the Judges, and to decide hereon generally, by the following general questions :

"Have the Judges been guilty of any Malpractice in office or not?" Which was resolved in the Negative.

All which is submitted.

RICHARD DOBBS SPAIGHT, Ch'n.

The question was put.

"Does the House Concur with this Report or not?"

It was Resolved in the affirmative, whereupon the Yeas and Nays were required by Mr. Davie, which are as follows, viz. :

Yeas.—Messrs. P. Robeson, W. Wood, Creecy, Rhodes, James

Robeson, Dickens, Hall Anderson, Richardson, Dickson, Bonds, Hamilton, Bell, McDonald, Holland, Everagin, Hutchings, Scott, Spruill, J. Taylor, Holmes, Sanders, Martin, Lanier, Yates, Covington, Phifer, Alexander, Yancey, P. Hawkins, Reading, James Stewart, W. Hawkins, Franklin, Frohock, Carson, Sloan, Pugh, Humphries, (of Wake), McDowell, Vance, Gardner, White, James Stewart, Eason, Bethell, Lennard—49.

Nays.—Messrs. Spaight, Neal, Hay, J. G. Blount, Winslow, Polk, Sawyer, Westbrook, Randal, Willis, McKenzie, Dodd, McKinne, Davie, W. Taylor, Sitgreaves, Isler, Pearson, MacLaine, Eborne, Hooper, Brickell—22.

Mr. Davie moved for leave to enter his protest against the Concurrence of this Report. Ordered that he have leave accordingly.

Ordered that the report be sent to the Senate for concurrence.

Resolved, that four hundred Copies of the Bill to amend and alter the Court System, which is laid over until the next Assembly be published by the Public Printer in hand bills.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose balloting at 5 O'Clock this evening for the officers that were to have been ballotted for last evening, and put in nomination for the said officers respectively the persons before nominated, and add to that nomination for purchaser of Tobacco at Halifax, Egbert Haywood.

The House adjourned 'til 5 O'clock.

Met according to adjournment.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We add to the nomination for a Commissioner for purchasing Tobacco at the Town of Halifax, Egbert Haywood, Esquire, but do not agree to ballot at the time by you proposed.

Resolved, that Mr. Neal and Col. Polk be requested to collect all the original depositions and other evidences, and the digest of the said depositions, and the reports of the Committee relative to the fraudulent making out and framing thereupon & passing accounts thro' the office of the Commissioners of Army accounts, and the fabrication of false orders to procure the same out of the said



office and transmit the said papers by the earliest and safest opportunity to the Attorney-General, that the same shall be certified by the Speakers to be such. —

And, whereas, sundry papers are lodged in the hands of Pleasant Henderson who acted as Clerk to the Sub Committee of Finance commonly called the Thousand Pounds Committee, which may be necessary to be laid before the Court of Oyer at Warrenton.

Resolved, therefore, That Mr. Henderson attend the said Court with all such papers (due bills excepted) in his possession as aforesaid.

The Bill to keep open Uharie, Rockey River of Pee Dee, the Catawba, Cape Fear, Deep River, the Yadkin River, Haw River and Rockey River for the passage of Fish up the same, was read the third time, amended, passed and sent to the Senate.

The Bill to authorize the late Commissioners of Specific Supplies for the Counties therein mentioned, to collect the arrearages of Specific Taxes yet due from the Inhabitants thereof, was read the third time, passed & ordered to be Engrossed.

The Bill to enable the Executors of Robert Hogg to maintain and defend Suits under the regulations therein mentioned, was read the third time, passed & sent to the Senate.

The Bill declaring what shall be considered misbehavior, absence and inability in a Justice of the Peace, &c., was read the second time, passed and sent to the Senate.

The Bill to emancipate Cæsar, formerly a Servant of Samuel Yeargan, deceased, was read the third time, passed and ordered to be Engrossed.

The Bill to enable William Moore, late Sheriff of Burke County, to collect all the Taxes due from the said County for the year 1785, and to allow him a further time for settling for his collections with the Treasurer, was read the third time, passed and sent to the Senate.

The Bill to appoint Commissioners to carry on and finish the public buildings in the County of Anson, was read the third time, passed and ordered to be Engrossed.

Mr. Eborne presented the resignation of Augustin Spain & Reuben Slade, justices of the Peace for Hyde County, which, being read was accepted.

Received from the Senate the Resolve of this House directing the

Treasurer to pay Stephen Moore two hundred and fifty Dollars, &c. concurred with.

Received from the Senate the Memorial of Martin Armstrong and the Petition of Hugh McLean. Endorsed in Senate, "read & referred to the Committee on Petitions and Memorials," which, being read, were referred as by the Senate.

Received from the Senate a Resolve of that House for suspending Thomas Matthews, a Colonel and Justice of the Peace for Moore County, from the exercise of his office, &c., which, being read, the following Message was ordered to be sent to the Senate :

Mr. Speaker & Gentlemen :

We have received and considered of your Resolve relative to the suspension of Colo. Matthews, with which we do not concur, that Gentleman being now in Town and desirous to be admitted to his defence immediately. We therefore propose that a Committee be appointed to examine into and report on the charges against him. We have on our part appointed Messrs. Whitfield, Hamilton and McDowell for this purpose.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen :

We have appointed Messrs. Macon, Harris and Wynns a Committee, who will act jointly with such of your Body as may be appointed, to receive from the several Committees such Continental and old Dollar Bill Money as may be in their hands belonging to the public and who will cause such Continental Money to be delivered to the Comptrollers and the other to be burned and destroyed, and make report of their proceedings herein.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have appointed Messrs. Sloan, McDowell, Brown, Carson and Holland to act with the Gentlemen by you appointed to receive from the Sub-Committee, &c., the old Continental and State Dollar Money and to do therewith as by you proposed.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

It being represented to this House that there is an error in the report of the Committee, (with respect to calculation), on the peti-

tion of James Fletcher, they have determined at the request of Col. Herndon, that he have leave to withdraw the whole of the papers on that subject in order to their being laid before the next Assembly.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree that the petition of James Fletcher and all the papers relative to the subject matter thereof, be withdrawn as by you proposed.

Received from the Senate the Report of the Committee on the Claim of the late Honbl. William Byrd. Endorsed in Senate, "read and Concurred with," which, being read, was Concurred with by this House.

Received from the Senate a Resolve of that House in favor of Winston Caswell, which being read, was rejected, whereupon,

Resolved, that Winston Caswell in favor of whom a warrant hath been issued by His Excellency the Governor on the Treasury of this State for the purpose of paying off expresses and others employed in bringing to Fayetteville sundry persons charged with frauds on the Treasury by virtue of a Resolution of this Assembly, be and he is hereby required to settle and account for monies so by him drawn as aforesaid with the public Comptroller.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We cannot agree to the Resolve of your House directing the Printer to Publish and bind up with the Laws a Copy of the Estimates of Certificates due by the State, but propose that the one herewith sent you on that subject be adopted in lieu thereof.

At the same time received the Resolve referred to in the above Message, which, being read, was concurred with.

Received from the Senate a Resolve of that House directing General Gregory to deliver Memucan Hunt, Esquire, late Treasurer all the due Bills in his possession, &c., which, being read, was rejected, whereupon,

Resolved, That General Gregory be and he is hereby directed to deliver to the Comptroller all the due Bills which the Committee for examining, &c., received of the Treasurer during their sitting as such.

Mr. Wyatt Hawkins, from the Committee to whom was referred the returns made from the different counties in pursuance of an Act entitled "an Act ascertaining the number of white and black Inhabitants and the citizens of every age and condition in the State." Reported that due returns are made from about eighteen counties which are as follows, viz. :

| Number. | COUNTIES.              | White males from 21 yearsto 60. | White males under 21 & over 60. | White females of every age. | Blacks from 12 to 60. | Blacks under 12 & over 50 | Total. |
|---------|------------------------|---------------------------------|---------------------------------|-----------------------------|-----------------------|---------------------------|--------|
| 1       | Franklin .....         | 740                             | 1069                            | 1814                        | 931                   | 913                       | 5475   |
| 2       | Tyrrell .....          | 552                             | 966                             | 1488                        | 374                   | 379                       | 3859   |
| 3       | Pasquotank.....        | 615                             | 1023                            | 1551                        | 789                   | 815                       | 4793   |
| 4       | Northampton.....       | 763                             | 1329                            | 1966                        | 1721                  | 1564                      | 7043   |
| 5       | New Hanover... ..      | 579                             | 722                             | 1397                        | 1332                  | 1012                      | 5042   |
| 6       | Duplin .... ..         | 734                             | 1356                            | 1997                        | 605                   | 548                       | 5248   |
| 7       | Warren.....            | 735                             | 1399                            | 2499                        | 1792                  | 1870                      | 8295   |
|         | Addition to the above. |                                 | 1.                              |                             |                       |                           | 701    |
| 8       | Richmond.....          | 380                             | 757                             | 1126                        | 168                   | 154                       | 2585   |
| 9       | Caswell .....          | 1273                            | 2748                            | 3611                        | 1110                  | 1097                      | 9839   |
| 10      | Chowan .....           | 463                             | 641                             | 970                         | 992                   | 716                       | 3782   |
| 11      | Nash. .... ..          | 650                             | 1269                            | 1850                        | 799                   | 709                       | 5277   |
| 12      | Edgecomb.....          | 1045                            | 1977                            | 2985                        | 1271                  | 1202                      | 8480   |
| 13      | Halifax.....           | 1088                            | 814                             | 3145                        | 2638                  | 2552                      | 10327  |
| 14      | Gates .....            | 543                             | 901                             | 1361                        | 927                   | 1183                      | 4917   |
| 15      | Granville.....         | 733                             | 1486                            | 2149                        | 925                   | 954                       | 6247   |
|         | Addition to the above. |                                 |                                 |                             |                       |                           | 4055   |
| 16      | Sampson.....           | 565                             | 1197                            | 1786                        | 384                   | 338                       | 4268   |
| 17      | Hyde.....              | 496                             | 837                             | 1282                        | 430                   | 376                       | 3421   |
| 18      | Surry.....             | 340                             | 584                             | 436                         | 105                   | 94                        | 1559   |
|         |                        |                                 |                                 |                             |                       |                           | 105213 |

And that partial returns are made from about twenty-five other counties, which said returns are so promiscuously thrown together, and being irregularly drawn, occasions them to be in so confused a

manner as to be almost unintelligible to your Committee, neither is the names of the counties expressed, which has caused your committee to state them as follows, viz. :

| Number. |                           | White<br>males<br>from 21<br>years<br>to 60. | White<br>males<br>under<br>20 &<br>over 60. | White<br>females<br>of every<br>age. | Blacks<br>from 12<br>to 50. | Blacks<br>under<br>12 &<br>over 50. | Total. |
|---------|---------------------------|----------------------------------------------|---------------------------------------------|--------------------------------------|-----------------------------|-------------------------------------|--------|
| 1       | No County named. . . . .  | 75                                           | 150                                         | 236                                  | 175                         | 188                                 | 819    |
| 2       | Ditto. . . . .            | 83                                           | 143                                         | 204                                  | 105                         | 44                                  | 579    |
| 3       | Ditto . . . . .           | 101                                          | 223                                         | 307                                  | 79                          | 61                                  | 771    |
| 4       | Ditto . . . . .           | 93                                           | 199                                         | 261                                  | 54                          | 36                                  | 643    |
| 5       | Ditto. . . . .            | 34                                           | 74                                          | 99                                   | 21                          | 30                                  | 258    |
| 6       | Ditto. . . . .            | 96                                           | 171                                         | 243                                  | 181                         | 145                                 | 792    |
| 7       | Ditto. . . . .            | 99                                           | 183                                         | 244                                  | 38                          | 27                                  | 591    |
| 8       | Ditto of Edenton. . . . . | 141                                          | 105                                         | 234                                  | 414                         | 218                                 | 1112   |
| 9       | Ditto. . . . .            | 79                                           | 129                                         | 199                                  | 25                          | 31                                  | 463    |
| 10      | Ditto. . . . .            | 333                                          | 686                                         | 952                                  | 58                          | 55                                  | 2088   |
| 11      | Ditto. . . . .            | 92                                           | 152                                         | 258                                  | 146                         | 138                                 | 784    |
| 12      | Ditto. . . . .            | 86                                           | 135                                         | 226                                  | 75                          | 57                                  | 579    |
|         |                           |                                              |                                             |                                      |                             |                                     | 485    |
| 13      | Ditto. . . . .            | 182                                          | 424                                         | 591                                  | 58                          | 37                                  | 349    |
| 14      | Ditto. . . . .            | 41                                           | 75                                          | 132                                  | 58                          | 43                                  | 1292   |
| 15      | Ditto. . . . .            | 57                                           | 83                                          | 137                                  | 65                          | 62                                  | 404    |
| 16      | Ditto. . . . .            | 147                                          | 253                                         | 394                                  | 57                          | 39                                  | 890    |
| 17      | Ditto. . . . .            | 91                                           | 207                                         | 313                                  | 105                         | 101                                 | 817    |
| 18      | Ditto. . . . .            | 59                                           | 89                                          | 139                                  | 20                          | 35                                  | 342    |
| 19      | Ditto. . . . .            | 82                                           | 157                                         | 203                                  | 10                          | 11                                  | 463    |
| 20      | Ditto. . . . .            | 125                                          | 255                                         | 372                                  | 72                          | 85                                  | 909    |
| 21      | Ditto. . . . .            | 114                                          | 241                                         | 346                                  | 54                          | 43                                  | 798    |
| 22      | Ditto. . . . .            | 90                                           | 179                                         | 258                                  | 20                          | 11                                  | 558    |
| 23      | Ditto. . . . .            | 153                                          | 357                                         | 503                                  | 31                          | 23                                  | 961    |
| 24      | Ditto. . . . .            | 87                                           | 144                                         | 233                                  | 56                          | 35                                  | 575    |
| 25      | Ditto. . . . .            | 103                                          | 235                                         | 329                                  | 35                          | 33                                  | 735    |
|         |                           |                                              |                                             |                                      |                             |                                     | 18572  |

Therefore your Committee recommend the following Resolution :

Resolved, that His Excellency, the Governor, be and he is hereby required to issue his Proclamation expressly requiring Courts of the Counties which have complied with the said Act to proceed immediately to carry the same into effect, and His Excellency lay before the next General Assembly a Statement of such returns and forward to the Delegates from this State in Congress of the United States, a complete Copy of such returns as soon as they are obtained from the whole State.

All which is submitted.

WYATT HAWKINS, Ch'n.

The House taking this report into Consideration, Concurred therewith.

The House adjourned 'til to-morrow morning 9 O'clock.

Wednesday, 3d January, 1787.

The House met according to adjournment.

Received from the Senate a Resolve of that House for revising the several Boards of Auditors, which being read, was rejected.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

We have rejected the recommendation of Justices for the county of Orange on account of its not being signed by the representatives of that county as is usual.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We herewith send you a recommendation of persons to be added to the Commission of the Peace for the county of Orange signed by the representatives.

The Bill for dividing the county of Davidson into two counties, was read the Second time, passed and sent to the Senate.

The Bill to repeal an Act entitled "an Act to allow further time for saving Lots in the several Towns within this State so far as the same relates to the Town of Kinston," was read the third time and rejected.

Received from the Senate a Bill to suspend the examination of Grants to certain Lands in Guilford county, &c. Endorsed in Senate, "read the first time and passed," and a Bill to bring to condign

punishment certain persons therein described and to secure their estates so as to be answerable to the public, &c. Endorsed, "read the Second time & passed."

Received also the following Bills :

A Bill for levying a Tax in the District of Edenton for building a jail, &c.

A Bill to amend an Act passed at Hillsborough in the year 1782, entitled "an Act to vest the title of a certain Tract of Land in Robt. Cummins" &c., and,

A Bill to amend an Act to empower the County Courts to order the laying out public Roads, &c. Endorsed in Senate, "read the third time and passed."

Mr. J. G. Blount moved for leave, and presented a Bill declaratory of the powers of Courts and the rights of Juries, which was read the first time, passed and sent to the Senate.

The Bill to vest the title of the lands therein mentioned in the persons therein mentioned, was read the Second time, passed and sent to the Senate.

The Bill for levying a Tax in the District of Edenton for building the jail of the said District, was read the third time, passed and ordered to be engrossed.

The Bill for erecting a prison in the county of Franklin, was read the third time, passed and ordered to be engrossed.

The Bill to amend an Act, entitled "an Act, directing the mode of proceeding against the real estates of deceased persons where the person's estate is insufficient for the payment of Debts, was read the second time, passed and sent to the Senate.

The Bill to amend the Law relative to the attachment of property, was read the second time, passed and sent to the Senate.

Received from the Senate a Bill directing the Commissioners of Confiscated property, &c., and,

A Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relates to making an allowance to the owners, &c. Endorsed, "read the second time and passed."

Received also the Bill to vest the title of a piece or parcel of Land lying in Jones county in Howell Brown, &c., and

A Bill empowering Commissioners to dispose of the Land and Glebe, the property of St. Johns' Parish, &c. Endorsed, "read the third time & passed."

Received from the Senate the Resolve of this House, directing Mr. Neal and Col. Polk to collect all the original dépositions, &c. Taken by the Secret Committee for the purpose therein expressed.

A Resolve directing Winston Caswell to settle his accounts with the Comptroller.

A Resolve directing the Public Printer to strike four hundred Copies of the Bill to alter and amend the Court System, and,

A Resolve directing Genl. Gregory to deliver the Due Bills in his possession to the Comptroller. Severally concurred with.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

Messrs. Lewis, McCawley, Reddick and Bledsoe, will on the part of this House, act with the Gentlemen by you appointed as a Committee to hear and report of Col. Matthews' defence as to the charges exhibited to this Assembly against him.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that a Judge of the Court of Admiralty for Port Roanoke be ballotted for, at the time the other officers are ballotted for, put in nomination John B. Beasley.

The Bill for establishing a Militia in this State, was read the third time, passed and ordered to be Engrossed.

The Bill to bring to condign punishment and to secure their estates so as to be answerable to the Public the Persons therein described accused of certain crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance of certain resolutions of this Assembly from vexatious Suits and prosecutions, and to establish a Board for the detection and further discovery of the said fraudulent practices, and for liquidating the accounts of the officers and Soldiers of the Continental line, was read the third time, passed and sent to the Senate.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

We do agree to ballot for a Judge for the Court of Admiralty for Port Roanoke, but propose that officers be appointed by Resolve to which end we send herewith a resolution for your Concurrence.



Received the Resolve above referred to, which, being read, was concurred with.

Received from the Senate a Bill to amend an Act passed at Hillsborough in May, 1784, entitled "an Act for regulating the pilotage of Cape Fear River," and,

A Bill to amend an Act passed at New Bern in December, 1785, entitled "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of Peace out of Court, and directing the time of holding the several Courts of this State. Endorsed, "read the first time & passed."

Received also a Bill declaring what shall be considered misbehaviour in a Justice of the Peace, &c. Endorsed, "read the third time and passed."

Received from His Excellency the Governor the following Message :

To the Honorable the General Assembly :

Gentlemen :

Herewith be pleased to receive a Letter from the Commissioners of the Board of Treasury, with Sundry Resolutions of Congress, a General Account of receipts & expenditures of the United States from the first of November, 1785, to the 30th of June, 1786, and a Schedule of requisitions by the United States on the several States to the 30th June last. Also two Letters from Governor Randolph, with an act of the Legislature of Virginia for appointing Deputies to revise the Federal Constitution.

These Papers came to my hands on Saturday last, at Kinston, and I take the earliest opportunity in my power of laying them before you, judging their importance to be of such consequence as to require the consideration of the Legislature in the course of the present Session.

R. CASWELL.

Fayetteville, Jan., 3d, 1787.

At the same time received the Letters "a Resolution of Congress," &c., above referred to, which, being read, were referred to the Committee to whom was referred the last Communications from Congress.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We herewith send you a Message from His Excellency, the Governor, accompanied with sundry papers from Congress and the Board of Treasury, which we propose referring to the Committee to whom the last communications from Congress were referred, and as those papers appear to be of consequence of the first Magnitude, we further propose that the Committee report without delay.

Resolved, that two hundred Copies of the act to bring to condign punishment, &c., certain persons accused of fraudulent practices against the State be printed by the Public Printer, and distributed amongst the Members, each Member from the District of Halifax to be served with two Copies whose business it shall be to make the same known to the Sheriffs and Justices of their county in order that the intentions of the said Act may be effected in time.

The Bill declaring what shall be considered misbehaviour in a Justice of the Peace, &c., was read the third time & laid over until the next Assembly.

The Sheriff of Warren county certified that Mr. Edward Jones was duly Elected a Member of this House to represent the said county in General Assembly, whereupon Mr. Jones appeared, was qualified and took his seat.

Received from the Senate the resignation of Augustin Spain and Reuben Slade. Concluded with.

Received also the Resolve of this House for issuing Doct. Chas. Pasteur another Certificate, &c. Concluded with.

Received from the Senate the Reports of the Committee appointed to report the number of white and black inhabitants of every age sex and condition agreeable to the several returns. Concluded with.

Received from the Senate a Bill for dividing the county of Davidson into two counties. Endorsed, "read the second time & passed."

Received from the Senate the Resolve of this House, directing the Printer to Publish two hundred Copies of the Acts to bring to condign punishment certain persons therein described, &c. Concluded with.

The Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relates to making an allowance to the owner or

owners for any executed or outlawed Slave or Slaves, was read the Second time, passed and sent to the Senate.

On the question, shall this Bill pass or not pass, the Yeas and Nays were required by Mr. Spaight which are as follows. viz. :

Yeas.—Messrs. Hay, J. G. Blount, Wood, Creecy, Fulford, Polk, Philips, Sawyer, Dauge, Richardson, Hamilton, Bell, Z. Wood, Crawford, Holland, Everagin, Spruill, Webb, McKinne, Sanders, Martin, Sitgreaves, Yates, Phifer, Alexander, W. Hawkins, Dixon, Franklin, Carson, Isler, Pearson, Humphries, (of Currituck), Sloan, McDowell, Vance, Gardner, White, Jas. Stewart, Brown, Hooper, Perkins, Lindley.—42.

Nays.—Messrs. Spaight, Neal, Copeland, Anderson, Cox, Randal Willis, J. Taylor, Cabarrus, Jos. Stewart, P. Hawkins, Grant, Lewis, Bloodworth, West, Lennard.—16.

The Bill to consign to oblivion any misconduct of the Citizens within the counties of Washington, Sullivan and Greene, was read the third time, passed and ordered to be engrossed.

The Bill to vest the title of a piece or parcel of Land lying in Jones county, in Howell Brown and his Heirs in fee simple, was read the third time, passed and ordered to be engrossed.

The Bill to amend an Act, entitled “an Act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State, to order the laying out Public Roads, and to establish and settle Ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks,” was read the third time, passed and ordered to be engrossed.

The Bill to amend an Act passed at Hillsborough in the year 1782, entitled “an Act to vest the title of a certain Tract or parcel of Land in Robert Cummins,” was read the third time, passed and ordered to be engrossed.

The Bill empowering Commissioners to dispose of the land and Glebe the property of St. John’s Parish formerly in the county of Bute, (now Franklin), was read the third time passed & ordered to be engrossed.

The Bill for dividing the county of Davidson into two counties, was read the third time, passed and sent to the Senate.

Resolved, that the thanks of this House be presented to Colonel Adams Sanders for his ready acquiescence and conformity to the resolutions of the General Assembly directing the apprehension of

certain persons accused with fraudulent practices against the Treasury of the State. for the activity zeal and public Spirit, which he discovered in proceeding to apprehend and bring a number of them to answer the Public Justice of the State before the General Assembly.

The Bill for establishing the dividing line between the counties of Burke and Rutherford, was read the Second time, passed and sent to the Senate.

The Bill to suspend the execution of Grants to certain Land in Guilford county for the purpose therein mentioned, was read the Second time, passed and sent to the Senate.

The Bill directing the Commissioners of Confiscated property to receive Certificates agreeable to a Resolve of the last General Assembly, was read the second time, passed and sent to the Senate.

Received from the Senate the report of the Committee appointed to ascertain the officers of the Continental Line who are entitled to pay, &c., which, being read, was concurred with.

The Bill for laying a Tax on all Seamen coming into the respective Ports of this State, for raising a fund for the support of such Seamen and for the proper appropriation of the same, was read the third time, passed and sent to the Senate.

The House adjourned 'til To-morrow Morning 9 O'clock.

Thursday, 4 January, 1787.

The House met according to adjournment.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We consent that the Message and papers this day laid before the General Assembly by His Excellency the Governor, be referred as by you proposed, and that the Committee to whom they are so referred report forthwith.

Mr. Blount from the Committee to whom the Memorial of William England was referred, delivered in a report, which, being read and amended was agreed to as follows :

That it appears to us by a Certificate signed by Philip Alston that he, the said Alston did, when Commissioner for the State employ Mr. England to superintend the said Iron Works, and by Mr. England's account it appears he expended for the use of the works, the sum of one hundred & sixty pounds, sixteen shillings & two

pence and charges for his services the sum of one hundred and twenty pounds, and Credits the State for Iron sold, &c. to the amount of fourteen pounds five shillings and eleven pence, which leaves a balance due him of two hundred and sixty-six pounds sixteen shillings & three pence, which, Mr. Alston certifies he has never paid him, which Sum we recommend shall be paid him by the Treasurer, and be allowed him in the settlement of his Accounts.

All which is submitted.

J. G. BLOUNT,  
A. MACLAINE,  
F. WINSLOW,  
PETER PERKINS,  
AMBROSE RAMSEY,  
THOMAS WYNNS,  
WILL POLK.

The House taking this Report into consideration, concurred therewith.

Resolved, That the Iron Works mentioned in the report of the Committee on the subject of Wilcox's Iron Works, dated in the House of Commons 23rd April, 1778, delivered in by Mr. Jones and concurred with in the Senate 29 April, 1778, were intended by the Legislature to have been returned to both the proprietors thereof, although the name of Mr. Wilcox only was used, he being the principal Agent in the application to the Assembly on that subject, and the name of Mr. England having been omitted thro' neglect and that the Thousand pounds with the materials and Pig Iron above referred to was intended as a recompence to both the proprietors according to each man's proportion of interest in the said Iron works.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose that the name of Colo. Lytle be inserted among the other names in the resolution for returning the thanks of the Legislature to the officers who attended at this Session in obedience to a Proclamation of the Governor, &c., to assist in the discovery of frauds against the public.

On the question to agree to this Message the Yeas and Nays were required by Mr. Hall, which are as follows, viz.:

Yeas: Messrs. Spaight, Neal, Hay, J. G. Blount, W. Wood, Fulford, Rhodes, Polk, J. Robeson, Dickens, Sawyer, Anderson, Richardson, Cox, Hamilton, Bell, Crawford, Holland, Scott, J. Taylor, Webb, Sloan, Humphries (of Wake), McDowell, Vance, Maclaine, R. Blount, Eason, Brown, Hooper, Lewis, Bethell, Bloodworth, Perkins, Lindley.—35.

Nays: Messrs. P. Robeson, Copeland, Creecy, Whitfield, Hall, Dauge, Westbrooks, Randal, Willis, Everagin, Dodd, Spruill, Holmes, McKinne, Sanders, W. Taylor, Yates, Covington, Phifer, Alexander, Yancey, W. Hawkins, Franklin, Carson, Pugh, Eborn, Brickell, West, E. Jones, P. Hawkins.—30.

Mr. Hay presented a Resolution of the Assembly for the payment of such Militia as might be called to guard the State Prisoners accompanied by the Pay roll of such Militia as have been in service agreeable thereto, which was referred to Mr. Dodd & Mr. McKinne on the part of this House.

Received from the Senate the report of the Committee on His Excellency the Governor's Message on the claim of John Freebody. Endorsed in Senate, "read & concurred with," which, being read, was amended and concurred with by this House as amended.

Received also, a Resolve relative thereto, which, being read, was rejected, and the following adopted in lieu thereof:

On reading and concurring with the report of the Committee on the Claim of John Freebody,

Resolved, That the parties reciprocally bind themselves to each other, the possessor of the Land that he will give possession thereof to Mr. Freebody, his brother and Sisters, and Mr. Freebody to the possessors, that he will previously pay to Mr. Neal and Mr. Jones the value of all the improvements made thereon to be ascertained by persons mutually to be appointed and agreed upon, who shall consider of the damage done to the Land and deduct the same from the full value of the improvements, and the residue thereof shall be the sum to be paid Mr. Jones and Mr. Neal.

Resolved also, That the rents for the said Land due or paid into the Treasury previous to the sale thereof shall be refunded.

Mr. J. G. Blount presented the Petition of Richard Clarkson,

which, being read, was referred to Messrs. Sitgreaves, Blount and Martin, on the part of this House.

Received from the Senate the Report of the Committee on the Petition of William Murphy. Endorsed, "read & concurred with," which, being read, was concurred with by this House.

Resolved, That Memucan Hunt, Esquire, late Treasurer of this State, be allowed the Sum of sixty-one pounds eight shillings for attending on the General Assembly at New Bern and on the Comptroller for settlement, for cash paid for taking to Fayetteville the Books and Papers of the Treasury and for Books, papers and other Stationery for the Treasury, that the Treasurer pay him the same and be allowed.

Resolved, That John Haywood, Esquire, who was elected Treasurer of the State on the thirteenth of December last, be required to enter into Bond for the faithful performance of the duty of his office in the Sum prescribed by Act of Assembly, that he furnish the General Assembly with the names of his Securities, that the same may be subject to the approbation of the General Assembly, and upon such approbation being had that the said Bond be executed and delivered to His Excellency the Governor, and

Resolved further, That the said John Haywood, Esquire, be directed after execution of the said Bond to take the Oath of Office before some person properly authorized to administer the same, and to enter upon the execution of the duties of his office, and that the late Treasurer pay into the hands of Mr. Haywood all the public Monies which are now in his hands.

Resolved, That for the future the Treasurer, the Comptroller and the Secretary of State shall reside and constantly keep their respective offices at the Town of Hillsborough in order that those offices may be convenient to the greater part of the Inhabitants of the State.

Received from the Senate the Resolve of that House recommending to His Excellency the Governor, James McADow, Henry Reed, William Hall and others, who were accessory to the Death of a certain Alexander Shannon for a pardon for such offense, which, being read, was concurred with.

On the question to concur with this Resolve the Yeas and Nays were required by Mr. Hay, which are as follows, viz.:

Yeas: Messrs. W. Wood, Copeland, Creecy, Fulford, Polk,

Phillips, Dickens, Hall, Dauge, Anderson, Richardson, Dickson, Randal, Willis, McKinne, Hamilton, Bell, McDonald, Holland, J. Taylor, Holmes, McKinne, Cabarrus, Martin, Lanier, Yates, Phifer, Alexander, Yancey, Jos. Stewart, Franklin, Carson, Isler, Pearson, Sloan, Pugh, Humphries (of Wake), McDowell, Vance, Blount, Redding, Brown, Eborn, Grant, Lewis, Bloodworth, Perkins, West, Brickell, Jones.—50.

Nays: Messrs. Spaight, Hay, Sawyer, Westbrooks, W. Hawkins, Hooper, Lindley.—7.

Received from the Senate the Report of the Committee on the Petition of Andrew Bass, and the report of the Committee on the Petition of Hugh Ross. Endorsed in Senate, "read and concurred with," which, being read, were concurred with by this House.

Resolved, That the Comptroller be and he is hereby directed and required to pay into the hands of the Continental loan officer for this State, or such other person as may be authorized to receive the same, all the old Continental dollar bills he may have in his possession, he taking a receipt for the same.

Received from the Senate a Resolve of that House allowing Hugh McDonald fifteen pounds, which, being read, was rejected.

Received from the Senate the Report of the Committee on the accounts of Joseph Cain, late District Treasurer. Endorsed, "read and Concurred with," which, being read, was amended, passed and Concurred with as amended.

Resolved, That the General Assembly entertain a high and proper sense of the laudable conduct and ready attendance of Capt. Abner Lamb, and that his attendance is no longer required.

Mr. Cabarrus moved for leave and presented a Bill for revising the several boards of Auditors, which, being read the first time, passed & sent to the Senate.

Received from the Senate the Report of the Committee on the Petition of Major George Doherty and a Resolution of that House in consequence thereof, which, being read, the following resolution was adopted by this House, viz.:

On reading the report of a Committee on the Memorial of George Doherty, late a Major in the Continental line in this State, concurred with by the Senate and a resolution of that body in pursuance thereof.



Resolved, That this House do not concur therewith, but that the following resolution be adopted in lieu of the same, to-wit :

Resolved, That George Doherty, late a Major in the Continental line of this State, be allowed the Sum of Eighty pounds for a Horse lost in the Continental service, also, that the Comptroller be directed to issue a Certificate to him for thirty eight pounds, being the one fourth of a Sum due for his deficiency in forage while in the Continental Army, and that he be allowed one hundred and eighty pounds in full for that Sum due him for services and expenditures when on duty in the service of the Continent by orders of the late Governor Martin. All which Sums the Treasurer is hereby directed to pay him in Money.

Resolved, That the Comptroller issue to the said George Doherty a Certificate for one hundred and fifteen pounds thirteen Shillings being the three fourths of the deficiency of forage aforesaid, which shall be on the footing of Specie Certificates.

Resolved further, That the Comptroller be and he is hereby directed to charge all the aforesaid Sums to the account of the United States.

The Bill to amend an Act passed at New Bern in December, 1785, entitled "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions and of the Justices of the Peace out of Court and directing the time of holding the several Courts of this State," was read the first time, passed and sent to the Senate.

The Bill to repeal the several Acts of Assembly respecting Slaves as far as the same relates to making an allowance to the owner or owners for any executed or outlawed Slave or Slaves, was read the third time, passed and ordered to be Engrossed.

The Bill directing the Commissioners of Confiscated Property to receive Certificates agreeable to a resolution of the last General Assembly, was read the third time, passed and ordered to be Engrossed.

The Bill to amend an Act passed at Hillsborough in May, 1784, entitled, "an Act for the regulation of the Pilotage of Cape Fear River," was read the first time, passed and sent to the Senate.

Received from the Senate the Resolve of this House directing Mr. Haywood to proceed on the execution of his office as Treasurer, &c. Concurred with.

Received from the Senate the report of the Committee on the

petition of Hodge and Blanchard. Endorsed in Senate, "read & concurred with," which, being read, was concurred with by this House."

Received from the Senate the Resolve of this House giving the thanks of the General Assembly to Adams Sanders, and the Resolve declaring the sense of the Legislature on the delivery of the Iron works in Chatham county. Endorsed, "read and concurred with."

Received from the Senate a Resolve of that House directing Mary White, relict of David Lindsay White, Sheriff of Bladen county, to pay old Dollar bills into the Treasury, which, being read, was concurred with.

Received from the Senate a Resolve, giving the thanks of the General Assembly to Edwin Graham, which, being read, was concurred with.

Received from the Senate a Resolve of that House for allowing the officers who attended on the Assembly agreeable to the Governor's Proclamation fifteen Shillings per day for their attendance, &c., which being read, was concurred with.

Whereas sundry claims and accounts against the State yet remain in the hands of individuals, unliquidated, some of the Boards of Auditors as revised by the act passed at New Bern in the year 1785, having failed to convene as the Act directs, and for other unavoidable obstacles.

Resolved, that William Righton, Edward Everagin and Lott Brewster, be and they are hereby appointed a Board of Auditors for the District of Edenton, and James Hunter, John Armstrong and Trangott Baggs, constitute a Board for the upper part of Salisbury District, which said Board shall have, possess and enjoy the same powers, privileges and immunities that were incident or appertaining to the office of the respective Boards of Auditors for the said Districts by the Act entitled "an Act empowering Commissioners to liquidate the accounts of the officers and Soldiers of the Continental line of this State, and to revise the late Boards of District Auditors for a limited time," and the aforesaid Board shall meet at such place as they were directed to meet at, by the said Act on the first Monday in May next, and shall continue to sit ten days for the purpose of receiving and auditing all just Claims which may be presented them by the Inhabitants of said Districts not heretofore allowed, and the said Board shall give notice of the purport of this

resolution three months previous to their meeting, and all claims which shall not be presented for liquidation at the aforesaid boards shall forever be barred and precluded from allowance.

Received from the Senate the report of the Committee on the petition of Mary Moore, which being read, was rejected.

Received also one other Report on another petition of Mary Moore, which, being read, was concurred with.

Received from the Senate a Bill to amend an Act passed at Hillsborough in May, 1784, entitled "an Act for regulating the pilotage of Cape Fear River." Endorsed, "read the second time and passed."

A Bill for establishing the dividing line between the counties of Burke & Rutherford. Endorsed, "read the third time and passed."

Resolved, that James Thackston and Company be allowed the Sum of Twenty-three pounds fifteen Shillings and Six pence, for Stationery furnished the Clerks of the General Assembly, that the Treasurer pay the said James Thackston & Company the same, for which he shall be allowed in the settlement of his accounts with the public.

Received from the Senate the Resolve of this House allowing Memucan Hunt, Esquire, Sixty-one pounds eight Shillings. Concurred with.

Received from the Senate the Report of the Committee on the petition of George Pea.

The report of the Committee appointed to receive old Dollar Bills, &c. Endorsed, "read & concurred with," which, being read, were Concurred with.

Received from the Senate a Resolve of that House directing Thomas Frohock to pay twenty-five pounds to the Commissioner of Confiscated property of Salisbury District, which, being read, was Concurred with.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We propose to ballot To-morrow Morning at 7 O'Clock for the different officers yet to be appointed by ballot. The ballots to be taken in each House and the Superintendents to retire and count the tickets while the Houses are proceeding on the business of the Session, so the same will not be delayed, and as there are a number of officers for various employments to be balloted for. In order to

facilitate the business we further propose that there be two sets of boxes and two sets of Superintendents in each House, the one for receiving the Ballots for the officers of Cavalry and of Artillery of the State and the officers for Commanding the Troops in the Western Country, and the other for receiving the ballots for the Councillors yet to be appointed, Vendue Master for the Town of New Bern, Commissioners for purchasing Tobacco in the Towns of Halifax, Tarborough and Fayetteville, Commissioners for revising the Certificates passed by the late Board of Commissioners, a Brigadier General for Washington District, and a Judge for Davidson County, the Sheet accompanying this contains the names of the persons in nomination. Should you approve of this you will please signify the same by Message. We also appoint on the part of this House Colo. Polk & Mr. Cabarrus, for one set; Mr. Willis & Mr. Sawyer for the other.

Nominations as follows, viz.:

Officers of the Horse for the District of New Bern :

Ben. Williams, Reading Blount, Colos.

John Daves, Ben. Coleman, 1st Majors.

Charles Gerrard, William Buch, 2nd Majors.

District of Wilmington :

Thomas Brown, James Read, Griffith J. McRee, Colos.

Peter Robeson, Saml. Ashe, jun., Edward Winslow, 1st Majors.

David Dodd, 2nd Majors.

District of Salisbury :

John Stokes, John Hamilton, Colos.

William T. Lewis, Thos. Frohock, 1st Majors.

Charles Polk, Edward Yarborough, David Caldwell, William Wood, 2nd Majors.

Morgan :

William Lenoir, Colo.

James Holland, 1st Major.

John Moore, 2nd Major.

Hillsborough :

Howell Lewis, Colo.

Demsey Moore, John Taylor, 1st Majors.

Lewis Bledsoe, 2nd Major.

Halifax :

William R. Davie, Colo.

John Macon, 1st Major.

Durham Hall, 2nd Major.

Edenton :

Hardy Murfree, Colo.

Lemuel Creecy, Seth Eason, Francis Pugh, Clement Hall, 1st Majors.

William Ferrebee, Thos. Brickell, 2nd Majors.

Washington :

Valentine Sevier, Colo.

Edward Hickman, 1st Major.

Thos. Kings, 2nd Major.

Evan Shelby for Brigadier General for Washington.

Troops for defence of Western Country :

Major Commandants :

Tillman Dixon, Thomas Evans.

Captains :

Walter Carruth, James Tatom, John Ford, Richard Fenner,  
James Scurlock, Charles Crawford, Joshua Hadley, Henry  
Hyland.

Lieutenants :

James Nelson, James Brownlow, James McDonald, Jacob  
Rhodes, John Howard, John Watkins, William Howard,  
Richard Thomas.

Ensigns :

James McDonald, Jun., Alexander Biggum, Patrick O'Neal,  
James Mackay, William Finlay, Robert Johnston.  
John Brown, Esquire, for Judge of Davidson.

Artillery :

Richard Dobbs Spaight, Colonel.

Jo. Scott Cray, 1st Major.

Thomas Wright, Nathaniel Allen, 2nd Majors.

Councillors :

Spyers Singleton, Bryan Whitfield, John Nelson, James  
Sampson.

Vendue Master for New Bern :

Titus Ogden, Bazil Smith.

Commissioner of Tobacco for Halifax :

Thomas Hogg, Egbert Haywood.

For Tarborough :

Ethelred Phillips.

Fayetteville :

James Porterfield, Robert Rowan.

Commissioners for revising the Certificates of the late Board of Commissioners :

Robert Fenner, Nehemiah Long, Matthew Lock, John Nelson,  
Joseph T. Rhodes, John Armstrong, Thomas Person.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We agree to ballot at the time, in the manner and for the several officers and appointments by you enumerated.

We add to your nomination for Councillors Thomas Brown, Joseph McDowell and Doctor McClure.

We add Mr. William Green to your nomination for Commissioners to revise the Certificates passed by the late Board of Commissioners, &c.

We add Mr. William Crawford for the 2nd Major of the Horse in Salisbury District.

We also add Mr. William Martin for a Captain in the Troops to be raised for the protection of the Western Country.

We propose David Campbell as assistant Judge in Washington District, and have appointed Mr. Herndon and Mr. Harris to superintend & receive the ballots to be put in the box kept for the purpose of receiving the ballots for officers of Horse, &c., and Mr. Mitchell and Mr. Herriage to superintend and direct the Balloting in the other Box.

Received from His Excellency the Governor a Message accompanied by a Talk from the Corn Tassel and Hanging Maw, which, being read, was ordered to lie on the Table.

Received from the Comptroller a list of the names of the late District Treasurers, County Commissioners of Confiscated Property, Commissary of Prisoners & Commissioners of Specific in Arrears, &c.

Received from the Senate the Resolve of this House declaring the offices of the Treasurer, Comptroller and Secretary shall be kept at Hillsborough concurred with.

Received from the Senate the Petition of Richard Clarkson. Endorsed, "read and referred to Mr. Lewis & Mr. Brown."

The House adjourned 'til To-morrow Morning 7 O'clock.

Friday 5 Jany., 1787.

The House met according to adjournment.

Received from the Senate the following Messages :

Mr. Speaker & Gentlemen :

It is the sense of this House that those Gentlemen who on summing up the Poll shall have the greater number of votes for any of the offices for which they are Candidates be declared duly Elected, the Councillors excepted.

Mr. Speaker & Gentlemen :

As the Election of Commissioners for revising the Certificates issued by the late Board of Commissioners is a matter of great importance, we propose that it be postponed until another balloting.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We do not concur with your House in postponing the time of balloting for Commissioners to revise the Army Certificates as the greatest part of the Members have their tickets made out.

Received from the Senate a Bill to prevent the obtaining of Grants of Land lying in the western parts of this State to the prejudice of the first enterers which Lands have been entered in the office lately established for receiving entries of claims for Lands by an Act entitled "an Act for opening the Land office for the redemption of specie and other Certificates and for discharging the arrears due to the Army."

Resolved, That the Clerks be directed to allow in the estimates to be made up the sum of fifty pounds to each of the Members for Davidson for travelling thro' the wilderness exclusive of mileage and attendance.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We have reconsidered the report in favor of Mary White and propose that the words *at 800 for 1*, be expunged and the following words be inserted "at the rates as fixed by the scale at the time when the same were received in payment of Public Taxes."

The Bill to prevent the obtaining of grants for land lying in the western parts of this State to the prejudice of the first entered, which

Lands have been entered in the office lately established for receiving entries of claims of Land, by an Act entitled "an Act for opening the Land office for the redemption of Specie and other Certificates, and for discharging the arrears due to the army" was read the third time, amended, passed and sent to the Senate.

The Bill to amend an Act entitled "an Act to secure and quiet in their possessions all such persons, their Heirs and assigns, who have purchased or may hereafter purchase Lands and Tenements, Goods and Chattels, which have been sold or may hereafter be sold by the Commissioners of forfeited estates legally appointed for that purpose," was read the second time, amended, passed and sent to the Senate.

The Bill to erect the Counties of Richmond, Robeson, Anson, Cumberland, Sampson and Moore into one district and appointing a Superior Court of Law and Equity to be held for the said Counties at Fayetteville, was read the third time and laid over to the next Assembly.

The Bill for establishing the dividing line between the Counties of Burke and Rutherford, was read the third time and laid over to the next Assembly.

On reading the Petition of Christian McKenzie and Christian Young setting forth that they have lately removed from the State of Georgia into this State and brought with them a number of Negroes not for sale but for the cultivation of their plantations and farms and that they are charged with the payment of duties on the value of the said Negroes and praying to be discharged therefrom. And it appearing to this Assembly that the facts therein set forth are true.

Resolved therefore, That the Collector of Port Brunswick shall be and he is hereby directed to release them from the payment of the said impost and from all bonds given for the purpose of securing payment of the said duties.

On reading the Petition of Casey and Green,

Resolved, That their Bond in the office of the Collector of Port Brunswick for duties on rum imported from Rhode Island in the Ship Minerva shall be discharged upon their producing in the office of the said Collector within twelve Months hereafter a certificate from the proper officer of the Port to which such rum shall be entered for exportation purporting that the same was there landed unavoidable acci-



dents excepted and the same shall be a sufficient discharge to the Collector of Port Brunswick in the settlement of his Accounts with the Treasurer.

Resolved, That Lewis Bowell be allowed the sum of fifty-five pounds four Shillings for provisions, rum, &c., furnished the prisoners lately confined at this place in full. That the Treasurer pay him the same and be allowed.

Received from the Senate the report of the Committee of Petitions and Memorials to whom was referred the Petition of Lodowick Wray. Endorsed, "read and concurred with," which, being read, was concurred with and returned.

The Bill to amend an Act passed at Hillsborough in May, 1784, entitled, "an Act for regulating the Pilotage of Cape Fear River," &c., was read the second time, passed and sent to the Senate.

Received from the Senate a Resolve of that House in favor of William McRee, Sheriff of Bladen County, which was read and concurred with by this House and returned.

Mr. Spaight from the Sub-Committee of Finance No. 2, appointed to take under Consideration the Treasury and Monies called in and destroyed for the years 1784 & 1785 & 1786, &c., delivered in the following Reports, viz.:

That they received from the Treasurer examined and burnt the Sum of three thousand one hundred and fifty-six pounds two shillings in Bills of Credit of the following denominations emitted under an Act of the Assembly passed in Hillsborough in the year 1783, to-wit.:

|       |                   |              |
|-------|-------------------|--------------|
| 54    | Bills of 40/ each | £ 108 / 0 0d |
| 504   | do of 20/ do      | 504 / 0 0    |
| 2342  | do of 10/ do      | 1171 / 0 0   |
| 3508½ | do of 5/ do       | 877 / 2 6    |
| 4680  | do of 2/ do       | 468 / 0 0    |
| 384   | do of 1/ do       | 19 / 4 0     |
| 351   | do of 6d do       | 8 / 15 6     |

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£3,156 / 2 0d

Your Committee further report that they also examined and purchased Warrants and other drafts on the Treasury which have been

honored to the amount of Seventy-five Thousand one hundred and Ninety-eight pounds Eleven shillings.

All which is submitted.

RICHARD DOBBS SPAIGHT, Chairman.

The foregoing report being read was Concurred with and sent to the Senate.

Mr. Spaight from the same Committee delivered in the following report, to-wit.:

The Sub-Committee of Finance No. 2, appointed to take under Consideration the Treasury and Monies Collected in and for the years 1784, 1785 and 1786, &c., Report—

That the business of the House preventing them from attending to the different calculations necessary to be gone through in order to settle the accounts of the Public Treasurer directed that officer to settle with the Comptroller which he has Accordingly done and from the state of the Account as Certified by the Comptroller it appears that there remains in the hands of Memucan Hunt, Esquire, late Treasurer, the Sum of five Thousand two hundred and Sixty eight pounds, four Shillings, seven pence and three farthings in the Current Money of the State, and that a balance remains due to the said Hunt of £505 /12 3d in Specie Certificates.

The Specie Certificates and old Dollar Bills, and Continental Dollar bills received by the Treasurer since the last Session of the Assembly have been lodged by that officer agreeable to the direction of the Sub-Committee of Finance in the hands of the Comptroller.

Your Committee further report that under their direction Mr. Wm. White has made out a state of the Treasury from January, 1785 to January, 1787, from the Treasurer's books containing the receipts and expenditures of those years (including the £100,000 emitted by the Act of last Session) in whose names the warrants & Grants have issued and to whom the Monies were paid, which statement your Committee recommend to have published with the Journals of the two Houses for the information of the Citizens of this State, and for that purpose submit the following resolution:

Resolved, That the Public Printer publish with the Journals of the present Session the present Statement of the Receipts and expenditures of the Treasury (including the 100,000 emitted by the

Act of the last General Assembly) from January, 1785 to the first of January, 1787, as reported to the House by the Committee of Finance, No. 2.

Your Committee observe that there is a difference in the balance in the two statements but as this report is not nor cannot be considered as a settlement with the late Treasurer the Error will be rectified in his final settlement with the Comptroller which he is now proceeding in.

All which is submitted.

RICHARD DOBBS SPAIGHT, Chairman.

Mr. Spaight, from the Sub-Committee of Finance, No. 2, delivered in the following Report, to-wit :

The Sub-Committee of Finance, No. 2, beg leave to Report.— That on examining the Books of the Entry taker for the Western Lands they find that there has been entered in his office 4,393,945 acres, amounting in certificates to the Sum of £439,394 /10 that warrants have issued for 3,221,928 acres, amounting in Certificates to the sum of £322,192 /16.

That it appears from the Comptroller's Certificate that the Entry taker has paid into his office the sum of Two hundred and eighty-nine thousand, seven hundred and twenty-one pounds, eight shillings and eleven pence; that he has on hand ready to pay to the Comptroller the Sum of Fifty thousand pounds, by the above statement it appears that he has received the Sum of seventeen thousand, five hundred and thirty-eight pounds, twelve shillings, and eleven pence in part of different entries that no warrants have yet issued for and that there remains due to his office from individuals the Sum of Ninety-nine thousand, six hundred and sixty-three pounds, one shilling and one penny.

All which is submitted.

RICHARD DOBBS SPAIGHT, Chairman.

The foregoing reports being read, were concurred with, and sent to the Senate.

Received from the Senate, a report of the Committee on the late Messages of the Governor, and the last dispatches from Congress, endorsed, "read and concurred with," which, being read, was concurred with by this House and returned.

A resolve in favor of James Thaxton and Company. Endorsed, "read and concurred with."

A report on the Committee appointed to consider of the Petition of Daniel Bagg and others, endorsed "read, and concurred with," which, being read, was concurred with by this House and returned.

Received also the report of the Committee of Conference with respect to the charges exhibited against the Judges endorsed in Senate read and concurred with.

Received also a resolve of the Senate directing the Certificates and State paper currency to be burned, &c., which, being read, was concurred with and returned.

Also the report of the Committee on the allowances to be made to certain Companies and persons employed in guarding the prisoners, &c., endorsed "read and concurred with," which was read in this House, concurred with, and sent to the Senate.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We agree that the report of the Committee in favor of Mary White be amended as by you proposed.

Also the following Message :

Mr. Speaker & Gentlemen :

We herewith send you a list of Justices as recommended to be Commissioned by the present Assembly which we propose shall be delivered his Excellency the Governor after being approved of by your House in order that Commissions may be obtained.

Ordered that the following message be sent to the Senate :

Mr. Speaker & Gentlemen :

We herewith return you the recommendation of certain persons to be added to the Commission of the Peace and agree that they be sent to the Governor as by you proposed for the purpose in your Message mentioned.

Received from the Senate the report of the Committee of Petitions and Memorials on the petition of William Ashley, William Ship and James Dial, endorsed in Senate, "read and concurred with," which was read and concurred with by this House, and returned to the Senate.

Colo. Polk, from the balloting for Military officers, reported as follows, to-wit :

That the following Gentlemen were elected by the joint ballots of both Houses :

For Washington District :

Valentine Sevier, Lieutenant Colonel Commandant of the Cavalry.

Edward Hickman, 1st Major.

Thomas Kings, 2nd Major.

Salisbury District :

John Stokes, Lieutenant Colonel Commandant.

William T. Lewis, 1st Major.

Charles Polk, 2nd Major.

Morgan District :

William Lenoir, Lieutenant Colonel Com'd.

James Holland, 1st Major.

John Moore, 2nd Major.

Hillsborough District :

Howell Lewis, Lieutenant Colonel Com'd.

Dempsey Moore, 1st Major.

Lewis Bledsoe, 2nd Major.

Halifax District :

William R. Davie, Lieutenant Colo. Com.

John Macon, 1st Major.

Durham Hall, 2nd Major.

Edenton District :

Hardy Murfree, Lieutenant Colonel Commandant.

Clement Hall, 1st Major.

William Ferebee, 2nd Major.

New Bern District :

Benjamin Williams, Lieutenant Colonel Commanding.

John Daves, 1st Major.

Charles Gerard, 2nd Major.

Wilmington District :

Thomas Brown, Lieutenant Colonel Commandant.

Samuel Ashe, 1st Major.

David Dodd, 2nd Major.

Officers of the Western Troops :

Thomas Evans, Major Commandant.

Captains :

Joshua Hadley, Henry Hyland, William Martin.

Lieutenants :

James Nelson, James McDonald, Richard Thomas.

Ensigns :

James McDonald, Jun., Patrick O'Neal, Robert Johnston.

Evan Shelby, Brigadier General of Washington District.

Officers of the Artillery:

Richard Dobbs Spaight, Lieutenant Colonel Commanding.

Joseph Scott Cray, 1st Major.

Nathaniel Allen, 2nd Major.

Resolved that this House do concur therewith.

Mr. Willis from the Balloting for the Civil Officers reported that Thomas Brown, Joseph McDowell, John Nelson were elected Councillors of State. Titus Ogden, Vendue Master for New Bern. James Porterfield, purchaser of Tobacco for the Town of Fayetteville; Ethelred Philips, for the Town of Tarborough; Egbert Haywood, for the Town of Halifax. That Thomas Person, William Green and Matthew Locke were elected Commissioners to receive the Army accounts. That John Brown was elected Judge of the Superior Court of Law and Equity for the County of Davidson and David Campbell Assistant Judge for the District of Washington.

Resolved, That this House do concur therewith.

Received from the Senate a Resolve of this House in favor of John Freebody. Endorsed, "read and concurred with."

Mr. Blount from the Committee to whom was referred the Memorial of Richard Clarkson, delivered in the following report :

The Committee to whom was referred the Memorial of Richard Clarkson, report—

That it appears to your Committee from the facts set forth in the Memorial that the said Richard Clarkson hath been condemned under recognizance to appear at New Bern Superior Court from November term, 1785, until the present period upon a charge which no proof has been adduced to support as your Committee are informed and believe that he hath regularly attended said Courts in conformity to his recognizance at a great expence to himself and

to the great neglect of his private affairs as it has been his sole business from Baltimore three different times, that no reason appears to your Committee why he should be longer delayed under recognizance and they are therefore of opinion that it be recommended to their Honors the Judges to release him from the said recognizance.

All which is submitted.

J. G. BLOUNT.

This report being read the House concurred therewith.

Received from the Senate the resolve of this House for revising Boards of Auditors in Edenton and Salisbury District. Endorsed, "read and concurred with."

Received from the Senate a resolve of that House directing Henry Montfort to deliver to the Comptroller the Books, Papers, &c., of the Commissioner of Army Accounts, which was read, concurred with and returned.

Received from the Senate the resolve of this House in favor of Major George Doherty, read and concurred with.

The Bill to amend an Act passed at Hillsborough in May, 1784, entitled "an Act for regulating the pilotage of Cape Fear river, &c.," was read the third time, passed and sent to the Senate.

A Bill for appointing Deputies from this State to a convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the federal constitution, was read the first time, passed and sent to the Senate.

Received from the Senate the Bill last above mentioned endorsed, "read the second time and passed," which was again taken up, read the second time, passed and sent to the Senate.

Received from the Senate the Bill for appointing deputies from this State to a convention proposed to be held at Philadelphia in May next, for the purpose of revising the federal constitution. Endorsed in Senate, "read the third time and passed," which was read the third time, passed in this House and ordered to be Engrossed.

Received from the Senate a resolve directing William Good and Joseph Leech to take into their care the public ground called the Palace Square, which was read, concurred with and returned.

Received from the Senate a resolve allowing Richard McKinne,

Esquire, a certain sum therein mentioned, which was read, concurred with and returned to the Senate.

Received from the Senate a resolve of this House allowing Lewis Bowell a certain sum therein mentioned. Endorsed, "read and concurred with."

Received from the Senate a resolve directing the Governor to issue warrants on the Treasury in favor of the Continental Officers," &c., which being read was concurred with.

Received from the Senate the resolve of this House in favor of Casey and Green. Endorsed in Senate, "read and concurred with."

Also the resolve of this House in favor of Christian McKenzie and Christian Young. Endorsed, "read and concurred with."

Resolved, That Hardy Jones of Edgecombe County be allowed the sum of Fifteen pounds Current Money in full of all services by him performed in transporting the Public Papers from New Bern to the County aforesaid and from thence to the Town of Fayetteville, that the Treasurer pay him the same and be allowed in the settlement of his Public Accounts.

Received from the Senate a resolve directing thanks to be given to the Judges, &c., which, being read was rejected and the following adopted in lieu thereof.

Resolved, That the thanks of the General Assembly be presented by the Speakers of the two Houses to the Honorable Samuel Ashe, Samuel Spencer and John Williams, Esquires, Judges of the Superior Courts of Law and Equity for their long and faithful services whilst they have been in that department.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

The Resolution by you proposed respecting the thanks to the Judges of the Superior Court of Law and Equity, we do not agree to, but propose the one sent herewith in lieu thereof.

The House Adjourned 'til Monday Morning 7 O'clock.

Saturday 6 January, 1787.

The House met according to adjournment.

Received from the Senate the following message :

Mr. Speaker & Gentlemen :

We propose that the Election for Commissioners to revise the



Federal Constitution take place immediately. Mr. Herritage and Mr. Wynne, will superintend the balloting.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We agree to ballot for persons to assist in an alteration of the federal constitution as by you proposed. We nominate Governor Caswell, Alexander Martin, Esqr., Richard Dobbs Spaight, Hugh Williamson, William R. Davie, Willie Jones and Samuel Johnston, Esquires.

Ordered that Mr. Willis & Mr. Winslow be appointed to Superintend the balloting.

Received from the Senate the report of the Committee on the charges against Colo. Thomas Matthews of Moore County. Endorsed, "read and Concurred with," which, being read, was concurred with by this House.

Received from the Senate the report of the Committee on the Petition of Hugh Maclaine. Endorsed, "read & concurred with," which, being read, was Concurred with by this House.

Received from the Senate the report of the Committee on the Memorial of His Excellency Richard Caswell, Esquire. Endorsed, read & Concurred with," which, being read was concurred with.

Mr. Willis from the joint Balloting for Members to attend a meeting proposed to be held at Philadelphia in May next for the purpose of revising the Federal Constitution, Reported—

That His Excellency Richard Caswell, Esquire, Alexander Martin, William R. Davie, Richard Dobbs Spaight and Willie Jones, Esquires, were elected for the purpose aforesaid.

The House taking this Report into consideration, Concurred therewith.

The House resumed the consideration of the Report of the Committee on Sundry Papers respecting Indian Treaties, &c., which, being read and amended, was concurred with in the following words:

Your Committee to whom was referred Sundry Papers respecting Indian Treaties and Indian Affairs, beg leave to report—

That they have examined with attention the papers to them referred, and they find that by the Treaties entered into between the Commissioners appointed by the United States to treat with the

Southern Indians, and the Cherokee & Chickasaw Indians at Hopewell on the Keewee, the Commissioners of the United States have allotted to the said Indians certain Lands as their Hunting Ground which are obviously within the Jurisdiction of this State being North of the Boundary Established by Law between the Citizens and Indians, and a great part of which is for a valuable consideration sold to our Citizens, some of whom are now actually living thereon.

Your Committee observe that the Commissioners having only allowed these Lands to the Indians as their Hunting Grounds the treaty doth not thereby annul the title of those who hold under our Laws, but have closed it in a manner different from the Intentions of the Legislature and which does in effect suppose a right in the United States to interfere with out Legislative rights which is inadmissible.

Your Committee thereupon recommend that the Delegates of this State in Congress be instructed to state our rights to the Land in Question to the United States of America in Congress Assembled to obtain a disavowal of the Treaties so far as they affect the same, and if the same should be persisted in, which your Committee cannot suppose from the known rectitude and wisdom of Congress that finally they formally protest against the same.

Your Committee further Report—

That the Honorable William Blount was appointed by the Executive in pursuance of the notification from the Commissioners from the United States founded in a Resolution of Congress an Agent on the part of this State to be present with the Commissioners; and that he has wisely protested against the said Treaties so far as they affect us. And further, that he was appointed to hold a Treaty with the Cherokee Indians and did attend at the meeting of the Commissioners and Indians, and according to the direction of the Governor and Council, he shipped to the care of A. Vanderhorst in Charleston the Goods, &c., purchased for the purpose: That from unavoidable delays in procuring Wagons Col. Vanderhorst could not send forward the Goods to the place of their destination until the Commissioners of the United States had commenced their Negotiations with the Indians, the Tenor of which inspired the Indians with an Idea of such extensive advantages, that the Agent could not prevail on them to Treat on Terms admissible by the

State, and was therefore necessitated to sell the Goods for the most that could be obtained, which is as follows :

|                                                                                                                                                                             |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| To Bryan Ward, one third payable on the first day of April, 1786, and the other $\frac{2}{3}$ rds on the first day of April, 1787, in Deer Skins, Furs and Tobacco. . . . . | £1333 / 3 10d |
| To George Ogg for Clay Telfair & Co., at their Franklin Store kept by said George Ogg. . . . .                                                                              | 39 / 15 9     |
| To William Blount. . . . .                                                                                                                                                  | 145 / 9 9     |
|                                                                                                                                                                             | <hr/>         |
| Sterling. . . . .                                                                                                                                                           | £1518 / 9 4d  |

And the Rum procured for holding a Treaty disposed of as follows :

To Bryan Ward 1 Hhd at  $1\frac{1}{2}$  dollars per Gallon.

To George Ogg 1 Hhd at  $1\frac{1}{2}$  dollars per Gallon.

3 Hhds sent to Washington to J. G. & Thos. Blount.

1 Hhd lost at Charleston by the heads bursting putting it into the Wagon as appears by Colo. Vanderhorst's Letter.

The quantities sold Mr. Ward and Mr. Ogg not known for want of a Gauging rod.

That the first payment being Deer skins an article liable to damage if not early sent to market, was ordered to be shipped to Philadelphia to Stewart & Barr, and the after payment is subject to the order of the General Assembly.

That on the first payment four Thousand Deer skins or there about were received by Mr. George Ogg as Payment, and in all probability shipped to Philadelphia.

Your Committee further Report—

That it is evident the Cherokee Indians are much dissatisfied with our disposition of the Lands claimed by them within our State and that probably this dissatisfaction may arise from our not having given what they supposed an equivalent for their Claim, and as our last advices from Congress assure us that the Northern Indians will soon be engaged in a war with us, it may be prudent to use such means as are in our power to remove the dissatisfaction in question in as speedy and amicable a manner as is practicable.

Whereupon, your Committee recommended that Troops be immediately raised and Stationed in Davidson County to prevent the

Indians from taking any Hostile resolutions, in aid of the Northern Tribes, and that our Delegates in Congress be instructed to lay before the United States of America in Congress Assembled, the necessity of this Measure and to obtain leave to continue the same in Service while the necessity exists.

As a further reason why your Committee are of opinion that the said Indian Treaties are injurious to the Citizens within the Bounds ceded to the Indians, your Committee refer to the act of Cession to the United States by which alone Congress can pretend any claim to territory within this State, one of the Conditions in which is, that all Grants of Land theretofore made to any Citizen or Citizens or any entries made should have the same force and effect as if the Act of Cession had not been made, whereas the Citizens to whom Grants were made before the Cession aforesaid have been left to the Mercy of the Indians, so that admitting the Cession to be valid Congress have not in this instance performed that Condition of the said Act.

All which is submitted.

A. MACLAINE, Ch'n.

Resolved, That Messrs. John Gray and Thomas Blount be directed to have sold at Public Vendue with Ten Days previous notice whatever Public Rum remains in their Store and remit the net proceeds thereof into the Public Treasury.

Resolved, That the Deputies appointed by this State to attend the Federal Convention at Philadelphia in May next, be entitled to the same allowance for travelling to, attending at and returning from, Philadelphia that is provided by Law for the support of our Delegates in Congress, and that His Excellency the Governor be requested to issue a warrant or warrants in favor of such of the Deputies as may apply therefor, who shall account with the next General Assembly for the warrants so received.

Resolved, That in case any of the Commissioners appointed to revise the Certificates issued by the Commissioners of Army Accounts should die or refuse to Act, that it shall and may be lawful for the Governor with the advice of the Council to appoint some person to act in the room and stead of such person dying or refusing, who shall be entitled to the same powers and emoluments

as the Person appointed by Law and liable to the same Pains and Penalties, and be it further

Resolved, That the said Commissioners shall have full power and authority to appoint one or more Clerks for the purpose of forwarding and expediting business who shall be allowed and paid the same wages as the Commissioners appointed by Act of Assembly, and whose business it shall be to provide stationery and shall be allowed for the same exclusive of his wages.

Resolved, That James Moore be allowed the sum of nineteen pounds four shillings for firewood and candles furnished for the use of the General Assembly, which the Treasurer is required to pay, for which this shall be his warrant.

Whereas, the Public Printer published with the Journals of last Session of General Assembly the Estimates of the Accounts of the United States, and has to publish with the Journals of the present Session, the State of the receipts and expenditures of the Treasury from January, 1785, to January, 1787, and the Estimates of the Account of this State as Stated by the Comptroller, and sundry other extra services, which are not included in his duty as Public Printer.

Resolved, That Hodge & Blanchard be allowed the sum of one hundred & fifty pounds in full as a consideration for the extra services performed or required of them during the last and present Session of the General Assembly.

The Bill to amend an Act entitled "an Act to secure and quiet in their possessions all such persons their Heirs and assigns, who have purchased or may hereafter purchase lands and tenements, goods and Chattels, which have been sold or hereafter may be sold by the Commissioners of forfeited Estates legally appointed for that purpose," was read the third time, passed and sent to the Senate.

The Bill declaring of the Powers of Courts and the rights of Juries, was read the second time, passed & sent to the Senate.

Resolved, That Isaac Burkloe be allowed the sum of twelve pounds eleven shillings and eight pence for making benches for the use of the General Assembly & finding the Materials, which the Treasurer is required to pay.

Whereas, John Marshall, late of Warren County, who is charged with having Committed frauds upon the Treasury of this State and being concerned in procuring fraudulent accounts to be passed the

office of the Commissioners of Army Accounts hath fled from this State and removed his property therefrom, and is supposed to be in some of the neighboring States.

Resolved therefore, That His Excellency the Governor be requested to issue a Proclamation offering a reward of one hundred pounds for the apprehending the said John Marshall so that he may be secured and brought to Justice, and that a Copy of the Proclamation be forwarded to the Governors of Virginia, South Carolina and Georgia, and be published in the papers of this and the neighboring States.

Whereas, under an Act of the General Assembly passed January the fifth 1787, for raising Troops for the protection of Davidson county, there are no more than ten officers belonging to said Troops so about to be raised, a number not sufficient to try by Court Martial, agreeable to the Laws of this State any Officer or Soldier who may transgress the Military Law.

Resolved therefore, That any five officers of the said Troops shall be a number sufficient to try any officer or officers, Soldier or Soldiers, who may transgress the Laws to which by their appointment and enlistment they are subject.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

It is the wish of the Senate that the Resolution of your House entered into a few days ago and concurred with by this House directing that the offices of Comptroller and Secretary be held at Hillsborough be reconsidered and expunged from the Journal as we are of opinion that it will be attended with a useless expence.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

We cannot accede to your proposal relative to the reconsideration of the resolve directing the Comptroller, &c., to hold their offices at Hillsborough.

Resolved, That the Governor be requested to issue a Proclamation directing all persons who may be settled on the Lands contained within the bounds prescribed by the Laws of this State for the Cherokee Indians to remove therefrom without delay and that he be requested to send them a friendly answer to inform them of this Resolve.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

For sufficient reasons shewn it is the opinion of this House that His Excellency the Governor be requested to strike the name of Nicholas Gibbs from the recommendation of Justices for the County of Orange handed him this Assembly.

Resolved, That the Comptroller, who is directed by an Act of this Assembly to attend a Court of Oyer and Terminer to be held at Warrenton on the last Monday of January with his books and papers be allowed the Sum of twenty Shillings for every day he shall be attending at, travelling to or returning from the said Court.

Received from the Senate two Resolves of this House, concurred with, viz.: The one allowing James Malloy £19.4/; the other allowing Hodge & Blanchard one hundred and fifty pounds for the purpose therein expressed.

Received from the Senate a Resolution of that House directing the several County Courts to direct the Attorney General to prosecute such Attornies as shall be guilty of Malpractice in office, which being read was rejected.

The Bill to amend an Act passed at New Bern in December, 1785, entitled "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions and of the Justices of the Peace out of Court and directing the time of holding the several Courts of this State," was read the second time, amended, passed and sent to the Senate.

On reading this Bill it was proposed that the stay of Execution issued by the Justices of the Peace should not extend to length of time as at present. This being objected the question was put and negatived, whereupon, the Yeas and Nays were required by Mr. Willis, which are as follows, viz.:

Yeas: Messrs. P. Robeson, W. Wood, Copeland, Rhodes, Dickens, J. Robeson, Hall, Dauge, Anderson, Richardson, Dickson, Cox, Hamilton, Bell, McDonald, Crawford, Dodd, Hutchings, Scott, Holmes, Lanier, Yates, Covington, Phifer, Alexander, Yancey, Reading, W. Hawkins, Franklin, Carson, Pearson, Sloan, Humphries (of Wake), McDowell, Vance, J. Stewart, Eason, Brown, Grant, Bethell, Bloodworth, West, Long, Lennard, Lindley, Jones.  
—46.

Nays: Messrs. Spaight, Hay, J. G. Blount, Fulford, Whitfield, Polk, Phillips, Sawyer, Westbrooks, Willis, McKenzie, Bonds, Z. Wood, Holland, Everagin, Spruill, J. Taylor, McKinne, Sanders, Martin, Sitgreaves, P. Hawkins, Frohock, Gardner, R. Blount, White, Williams, Eborne, Hooper, Lewis, Perkins.—31.

Mr. Hooper proposed the following as an amendment to this Bill, viz.:

And whereas, it is the Constitutional right of the Citizens of this State that their property should not be withdrawn from them but by a trial by a Jury. Be it therefore Enacted by the General Assembly and by the authority of the same, that when any trial shall be had before any Magistrate for any Sum exceeding five pounds, in that case such Justice shall cause to be summoned from the vicinity twelve Jurors who shall be freeholders neither of affinity of consanguinity to either party and entirely disinterested, who shall pass upon the trial of such demand and give a verdict accordingly to the merits of the cause, and such Jury shall be sworn by the said Justice to find a verdict according to Justice, and such Jurors so Summoned shall be allowed each of them two shillings for every cause they so try to be taxed by the Justice in the bill of cost and paid by the party cast.

On this question to agree to this an amendment to the Bill, the Yeas and Nays were required by Mr. Hooper, which are as follows:

Yeas: Messrs. Spaight, Hay, Sawyer, Willis, McKenzie, Holland, Everagin, Dodd, Martin, Sitgreaves, W. Hawkins, White, Hooper.—13.

Nays: Messrs. P. Robeson, W. Wood, Copeland, Creecy, Fulford, Rhodes, Phillips, J. Robeson, Dickens, Hall, Dauge, Westbrooks, Dickson, Cox, Randal, Bonds, Hamilton, Bell, McDonald, Z. Wood, Crawford, Hutchings, Scott, Spruill, J. Taylor, Holmes, Webb, Sanders, Lanier, Yates, Covington, Phifer, Alexander, Yancey, P. Hawkins, Reading, Franklin, Pearson, Sloan, Humphries (of Wake), McDowell, Vance, Gardner, Williams, Jas. Stewart, Eason, Brown, Eborn, Grant, Bethell, Bloodworth, Perkins, West, Brickell, Leonard, Lindley, Jones.—57.

A question was put shall this Bill lie over till next Assembly or not, and carried in the affirmative, whereupon the Yeas and Nays were required by Mr. Willis, which are as follows, viz.:

Yeas: Messrs. P. Robeson, W. Wood, Creecy, J. Robeson, Dick-



ens, Hall, Dauge, Richardson, Cox, Randolph, Bonds, Hamilton, Bell, McDonald, Z. Wood, Crawford, Hutchings, Scott, Spruill, J. Taylor, Holmes, Webb, Sanders, W. Taylor, Lanier, Yates, Phifer, Alexander, Yancey, P. Hawkins, Reading, Franklin, Frohock, Carson, Isler, Pearson, Sloan, Humphries, McDowell, Vance, Williams, Eason, Brown, Eborn, Grant, Bethell, Bloodworth, West, Lindley.—49.

Nays: Messrs. Spaight, Hay, Blount, Fulford, Whitfield, Philips, Sawyer, Westbrooks, Willis, Holland, Everagin, McKinne, Martin, Sitgreaves, W. Hawkins, R. Blount, White, Hooper, Jones.—19.

Received from the Senate a Resolve of this House allowing the Deputies to attend at Philadelphia on the Federal Constitution, &c., the same pay as the Delegates attending Congress from this State and a Resolve empowering the Governor to appoint a Commissioner or Commissioners in case of death, or refusal to act, of the Commissioners appointed to revise the Army Certificates, &c., concurred with.

Received from the Senate a Bill to amend an Act passed at New Bern in December, 1785, entitled, "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions and of the Justices of the Peace out of Court," &c. Endorsed in Senate, "read the third time, amended & passed."

The House adjourned 'til 5 O'clock.

Met according to adjournment.

The Honorable the Speaker laid before the House a Letter from Henry Montfort, which, being read,

Resolved, That Mr. Henry Montfort be and he is hereby directed to deposit all the Due Bills now in his hands in the possession of the Comptroller taking his receipt for the same.

A motion was made and seconded that the Bill to amend an Act passed at New Bern in December, 1785, entitled "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions and of the Justices of the Peace out of Court and directing the time of holding the several County Courts of this State" should be read for the last and third time in this House, which was objected to by Mr. J. G. Blount, who alleged that it was contrary to the rules heretofore adopted by the House, for reading Bills, that any Bill should be twice read in the same House on the same Day, the

question being put was carried in the affirmative, whereupon, the Yeas and Nays were required by Mr. John Gray Blount, which are as follows, viz.:

Yeas: Messrs. P. Robeson, Hay, W. Wood, Copeland, Creecy, Polk, Phillips, J. Robeson, Dickens, Hall, Dauge, Anderson, Richardson, Westbrooks, Cox, Randal, Bonds, Hamilton, Bell, McDowell, Z. Wood, Crawford, Hutchings, Scott, Spruill, J. Taylor, Holmes, Webb, Sanders, W. Taylor, Yates, Phifer, Alexander, Yancey, P. Hawkins, Reading, Frohock, Carson, Franklin, Pearson, Humphries (of Currituck), Sloan, Pugh, Humphries (of Wake), Vance, Gardner, Williams, J. Stewart, Eason, Brown, Grant, Lewis, Bethell, Perkins, West, Lindley, Jones.—57.

Nays: Messrs. Spaight, Blount, Holland.—3.

The Bill was then taken up and read the third time, passed and ordered to be Engrossed.

On the question shall this Bill pass or not pass the Yeas and Nays were required by Mr. J. G. Blount, which are as follows, viz.:

Yeas: Messrs. P. Robeson, W. Wood, Copeland, Creecy, J. Robeson, Dickens, Hall, Anderson, Richardson, Westbrooks, Cox, Randal, Bonds, Hamilton, Bell, McDonald, Z. Wood, Crawford, Toms, Hutchings, Scott, Spruill, J. Taylor, Holmes, Webb, Sanders, W. Taylor, Lanier, Yates, Covington, Phifer, Alexander, Yancey, P. Hawkins, Reading, Jos. Stewart, Franklin, Frohock, Carson, Pearson, Humphries (of Currituck), Sloan, Humphries (of Wake), Vance, Gardner, Jos. Stewart, Eason, Brown, Grant, Bethell, Bloodworth, Perkins, West, Brickell, Lennard, Lindley, Jones.—57.

Nays: Messrs. Spaight, Hay, J. G. Blount, Winslow, Fulford, Whitfield, Rhodes, Phillips, Sawyer, Dickson, Willis, Holland, Everagin, Dodd, McKinne, Martin, Sitgreaves, W. Hawkins, White, Hooper.—20.

Received from the Senate a Resolve of this House allowing the Comptroller for his attendance at Warrenton the Court of Oyer, &c.; a Resolve directing Messrs. J. Gray and Thos. Blount to dispose of Public Rum, and a Resolve directing His Excellency the Governor, to issue a Proclamation requiring persons to remove off the Lands within the Indian Boundary, &c., concurred with.

Resolved, That the Treasurer be required to pay off the allowances made by the Estimate of the present General Assembly except the Members of Davidson County who shall be entitled to

receive the whole of their pay in proportion to the sum of Money in his hands as nearly as he can conveniently calculate, and that he take up the Certificates of allowances of which he shall so pay any part, and issue in lieu thereof a Certificate to the same persons for the Balances that may remain unpaid, which latter Certificates shall be hereafter entitled to payment from the Treasury in the same manner as those originally issued in conformity to the Estimate.

Resolved, That the several Collectors be requested by the Governor, to hold in their hands to meet his Warrants in favor of the Deputies this Day appointed to attend the Convention proposed to be held in the City of Philadelphia in May next, for the purpose of revising the Federal Constitution, such Monies as they may hereafter collect for Goods heretofore imported.

Received from the Senate the Report of the Committee on the Memorial of Martin Armstrong. Endorsed in Senate, "read & Concurred with," which, being read, was concurred with.

Received from the Senate a Resolve of that House allowing Lewis Bowell £6.11/, a Resolve allowing Sarah Roundsevell £120.6/, a Resolve allowing John McCoy Ten pounds and a Resolve appointing Hodge & Blanchard Public Printers, which, being read, were severally concurred with.

Received from the Senate the Resolve of this House directing five officers to hold a Court for the trial of officers appointed for the protection of Davidson, &c., and the Resolve allowing Isaac Burkloe £12.11/8d, concurred with.

Resolved, That James Malloy be allowed the Sum of three pounds six shillings for candles, &c., furnished the House of Commons at this Session and that the Treasurer pay him the same immediately.

Resolved, That the Treasurer be directed to suspend any Suit which he has or may be commenced against John Simpson, Esquire, at the Instance of the State until the next General Assembly so far as relates to his account in the Comptroller's office, he having signified to this Assembly that he has lost his Vouchers.

Received from the Senate the Resolve of this House requesting His Excellency the Governor to issue a Proclamation offering a reward for apprehending John Marshall, concurred with.

Received from the Senate a Resolve of that House in favor of John Gaillard, which, being read, was ordered to lie on the Table.

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Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We propose that in making up the Estimate of allowance to the Members of Davidson County that the Clerks be directed to allow them fifty pounds including all travelling charges.

Ordered that the following Message be sent to the Senate :

Mr. Speaker & Gentlemen :

The Estimate to the Members of \*Davidson County was made up agreeable to the Resolve of yesterday.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

It was the sense of this House that the Waiters receive the Sum of Twenty Shillings for every thirty Miles travelling to and from the Assembly.

Received from the Senate a Resolution of that House for barring the Commissioners appointed to purchase Tobacco from being Concerned in Trade, which, being read, was rejected.

Mr. Wyatt Hawkins from the Committee to whom was referred the Petition of John Randle delivered in a Report, which, being read, was ordered to lie over until the next Assembly.

Mr. Dickens from the Committee to whom was referred the Petition of John Simpson, Esquire, delivered in a Report, which, being read, was rejected.

Mr. Wyatt Hawkins from the Committee to whom the Memorial of the Sheriffs of Salisbury District was referred, delivered in the following report, viz.:

Your Committee of Propositions & Grievances to whom was referred the Memorial of the Sheriffs of the several Counties in the District of Salisbury, Report—

That on examining the facts therein set forth that the Sheriffs are by Law obliged to settle with the Treasurer within two Months after they have a right to call the Collectors of their respective Counties to a settlement, which time in the opinion of your Committee is too short as the Sheriffs have it not in their power to enter up Judgements against such of the Collectors as do not settle punctually before they are obliged to account with the Treasurer by

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\*NOTE BY ED.—The Davidson county referred to throughout this Journal is now Davidson county, Tenn., in which Nashville is situated.

which means they unjustly may be deprived of their Commissions.

Your Committee therefore recommend that a resolve pass allowing the Sheriffs of the several Counties in this State two months longer to settle their accounts with the Treasurer.

All which is submitted.

WYATT HAWKINS, Ch'n.

This Report being read was concurred with and sent to the Senate for their Concurrence.

Mr. Wyatt Hawkins from the Committee of Propositions and Grievances to whom was referred the Petition of Dennis McClendon, delivered in the following report—

That it appears to your Committee that the said Dennis became bound to appear at the Superior Court of Law and Equity for the District of Hillsborough at April Term in the year 1785, to bear Testimony against a certain Thomas Landrum indicted of a Capital offence therein; that at the sitting of the said Court in April aforesaid the said Landrum was tried, convicted and condemned, but that the petitioner was confined at home by a severe fit of sickness which made it impossible for him to attend, that in consequence of his non-attendance writs of Scire facias issued but to a different County from that wherein the defendant lived and Judgment was thereupon given. It appears to your Committee by the Certificate of all the Judges that if he had appeared his testimony could have been of no material use as there was other testimony sufficient to convict him. It further appears to your Committee that the said McClendon is a very poor man and unable to pay the said forfeiture without the utter ruin of himself and family, and the Judges have recommended his case to the Legislature as one attended with circumstances of peculiar hardship.

Your Committee therefore recommend the following resolve in his favor:

Resolved, That Dennis McClendon be and he is hereby released, discharged and fully and freely acquitted of and from all forfeitures and sums of money wherewith he stands chargeable by any Judgment or otherwise for his non-appearance at Hillsborough in April Term in the year, 1785, to give testimony as he became bound to do against a certain Thomas Landrum indicted therein of a Capital offence, the General Assembly being sufficiently ascertained of his inability so to do on account of a severe fit of sickness which he

was at that time afflicted with and that all officers be directed to take notice hereof and govern themselves accordingly.

All which is submitted.

W. HAWKINS, Ch'n.

The House taking this report into Consideration, Concurred therewith.

Resolved, That this House do entertain a proper sense of the Public Spirit manifested by Mr. Hogg in accommodating the General Assembly with rooms for the business of the Session without any wish, as declared to this House by his direction, of any recompence for so doing.

Received from the Senate the Estimate of allowances made to the Members, Clerks and Officers of the Senate, which, being read, was agreed to by this House, and the Estimate of allowances of this House sent for Concurrence of the Senate.

Received from the Senate the Resolve of this House directing Henry Montfort to deliver the due Bills in his possession to the Comptroller.

A Resolve allowing James Malloy three pounds six shillings,

A Resolve directing the Treasurer to suspend any suit heretofore brought against John Simpson, Esquire.

A Resolve directing the Collectors to hold Money in their hands subject to the Governor's Warrant in favor of the Deputies appointed to attend the Federal Convention, &c. Concurred with.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen :

We agree to the resolve of your House respecting the payment of Members' Certificates.

At the same time received the report of the Committee of Propositions and Grievances in favor of Dennis McClendon, concurred with.

Received from the Senate a resolve of that House for releasing Robert Bogue and John Smith from the forfeiture of a Recognizance, &c., which, being read, was Concurred with.

Resolved, That a Writ of Election issue to the County of Halifax, for the Election of one Member of this House in the room and stead of the Honbl. John Baptist Ashe, Esquire, appointed a Delegate to

represent this State in Congress and that the said Election be held on the 22nd & 23rd February next.

Received from the Senate the Report of the Committee to whom was referred sundry papers respecting Indian Treaties and Indian Affairs, concurred with.

Received from the Senate a Resolve of that House requiring that the Checks of the due Bills, &c., in the possession of Pleasant Henderson should be deposited with the Comptroller, which, being read was rejected.

Received from the Senate the Resolve of that House directing the Clerks to deliver the Acts passed this Session to Mr. Winslow, which, being read, was concurred with.

Received from the Senate a Resolve of this House allowing Thomas Bridges Fifteen Pounds. Concurred with.

Resolved, That the Printer be directed to strike off Twenty-five Copies of the Act for appointing Deputies to attend the Federal Convention at Philadelphia in May next and deliver the same to His Excellency the Governor.

Received from the Senate the Resolve of this House directing the Speakers to present the thanks of the General Assembly to the Honorable the Judges of the Superior Courts. Concurred with.

Resolved, That a Writ of Election issue to the County of Robeson for the Election of two Members of this House and that the said Election be held on the third Friday and Saturday in February next.

Received from the Senate the Estimate of allowances of this House, concurred with.

Mr. J. G. Blount delivered in the following protest according to order, viz.:

We the subscribers protest against the Passage of the Bill to Amend an Act entitled, "an Act for the more regular Collecting, payment of and accounting for the Public Taxes and for levying certain duties therein mentioned."

Because by said Act a duty of five per cent. is laid on sundry Imported Articles essentially necessary for the people of this State, which is impolitick as only two and a half per Cent. is paid by the Merchants of the Neighboring States. This Measure will necessarily induce the Planters to carry their valuable Exports and all the Specie which they can collect to the Neighboring States to purchase

their Goods to the manifest injury of this State as it will tend to discourage our own Commerce and Navigation already in a very distressed situation.

Because by said Act the duty on Rum and sundry other Articles is raised so much as will probably induce persons concerned in importing to smuggle them whereby the good intent of the Bill will be frustrated and our revenue much less productive.

J. G. BLOUNT,  
A. NEAL.

Mr. Hooper presented the following protest :

We the subscribers who declared our dissent to receiving and concurring in the report of the Committee of both Houses so far as it relates to an unlimited unqualified approbation of the Conduct of the Judges of the Superior Court in the sentence given by them at Wilmington Superior Court against Brice & McNeil, dissented for the following reasons, to wit :

That a Resolve proposed by Col. Davie, and which was by the Committee refused to be substituted in lieu of that part of the report to which we objected was perfectly expressive of the true Spirit of our Constitution and the rights of the Citizens, and might tend to prevent the effects of a precedent from which the most dangerous consequences might be apprehended if not corrected by timely Animadversion.

We, the dissentients, owe it to our Country in the most plain and explicit terms to declare that it is our opinion that banishment is a punishment unknown to the Laws, and that no Judicial power of this State have a right to adjudge the same against any of the free Citizens thereof.

We had it not in our intentions at the time we expressed our dissent, nor have we now to impute the Judgment of Banishment in the Case of Brice and McNeil to the Judges who pronounced it as a Misdemeanor in office. The measure we say was illegal, the motive might be pure, the Condition of the Country, the Obnoxious character of the Culprits, the Clamour of the people, had awakened the Zeal of the Judges and led them into an Error from which the wisest and best of men are not exempt. Signed by William Hooper for Col. Davie by his order, William Polk, Richard Dobbs Spaight, John Sitgreaves and John Hay.

On the passage of the Bill to amend an Act passed at New Bern



1785, entitled "an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace Out of Court, and directing the time of holding the several County Courts of this State."

Mr. Hooper presented the following protest :

We hold it as the Constitutional right of the Citizens of this State that they should not be deprived of their property, but by the voice of a Jury of Free Citizens of this State.

We remember that under a Government of which we most justly complained that one Justice of the Peace could only try a demand of forty Shillings, and our policy then, depraved as it was, did not admit a Jurisdiction even to two Justices to a greater extent than five pounds.

Having changed the System of our Government and glorying as we might in the change, if we pursued the true Spirit and Principles of it, we have in giving to a single man a right to try claims of Twenty pounds each, and as many of those as may be brought before him, a greater proportion of the Debts of this Country being under that Sum, given him a Jurisdiction of an alarming extent, and in our own opinion have violated the most sacred and dearest privileges of the Citizens of this State.

Be the consequences what they will, let them be charged upon those who produced them. This protest will give us and our Conduct to the World. Signed by William Hooper, Austin Willis, Edward Everagin, John Sitgreaves, William Polk, John Hay, Edward Winslow, James Martin, Enoch Sawyer, Richard Dobbs Spaight, David Dodd, Richard McKinne, William McKenzie.

Mr. Maclaine presented the following protest, viz :

Protest against the resolution of the House of Commons declaring that the Judges ought not to be accused of any Misdemeanors in office.

Dissentient.

Because the Proclamation of pardon which Peter Mallet pleaded on his trial restored him to all the rights, privileges and emoluments of a Citizen, and the Judge having acknowledged that he pleaded the said pardon and was acquitted thereby, was in itself sufficient cause of knowledge that as to his right of suing he was in the same situation as other Citizens, and therefore the depriving

him of that right, was by the Judge's own Showing a willful Misdemeanor.

Because the prosecution of Francis Brice and Daniel MacNeil was ordered by the Court without any Oath of any information to the Attorney-General who is the proper and only Law officer under our Constitution to receive application for prosecution, and without any Color of reason alleged at the time for so doing, the Complaints against the persons banished having been made a year before, and then was the proper time for a prosecution if any could have been justified or excused.

Because the Judges to serve the then present purpose declared that the Treaty of Peace was the Law of the Land, (tho' they had in many other cases denied it), and laid their return into this State of Brice and MacNeil to be Misdemeanor contrary to the said treaty and drew their doctrine of expulsion from the fifth article thereof, which is merely recommendatory by Congress, and has not been recognized by this State as an Article by which they were bound, and Judge Spencer acknowledged that the *Treaty* was the only law in those cases.

Because from the said Fifth Article which recommends a permission to return into the State the Judges have inferred the return to be a Misdemeanor implying Contrary to the Construction of all Laws, pains and penalties when a benefit was intended if the Article had been enforced by Law and expressly Contrary to the Fifth Article of the said Treaty, the crime, if any, arising out of the War.

Because the Judges declared that the return became a Misdemeanor by reason of the previous treason (though the particular overt acts were neither charged nor proved), and although there was no Act of Assembly for the expulsion of the prisoners, it was plainly *implied* by the Fifth Article of the Treaty that the Treaty was the Law of the Land, that they, (the Judges), were the Guardians of the State, and that there was no State or Sovereign Nation that had not a power *some where* within itself to prevent it from receiving injury, thereby Arrogating to themselves the Authorities vested by the Constitution in the Legislative and Executive departments of the State, and the more easily to accomplish their purposes of grasping all powers to themselves when the Grand Jury applied to them to be informed whether the return into this State

of Brice and MacNeil was a crime by any Law, and though the Attorney-General had declined giving any opinion on a similar Application, they the said Judges did inform the said Jury that they were to find the facts, and that they the Judges would declare the Law, contrary to their Oath of office as Judges, contrary to one of the fundamental principles of the Constitution, and in order to erect a detestable tryanny in their own persons upon the liberties of the people.

Because the said Judges did not attempt to produce any authorities from the laws or the Constitution, or even to rely upon the Fifth Article of the treaty, but seemed to expect exemption from censure from the unpopular political character of the defendants, and the Clamours of the populace against them twelve months before the prosecution took place, and in order as they alleged to prevent the expulsion of the defendants by violence or worse consequences from a mob, and by the same reason and under the sanction of a vote of this House the Judges may at any time by undue influence on Juries expel the most valuable citizen to gratify the wishes of a prejudiced multitude.

Because if the Judges can once mold Juries to their purposes, they may take their vengeance on every person they may happen to dislike, and as prosecutors they are utterly unqualified to determine impartially it being an invariable Maxim, and is comprised in their Oath of office, that Judges should in mere matters of Law be of Council for the prisoner.

Because the Argument (if it merits that term) of Judge Williams to wit, that there was no sentence of banishment inflicted by the Court for that, the prisoners had an Alternative (that was either to leave the State or remain a prisoner), is an insult to common sense and a wretched quibble altogether unworthy of a learned Judge, and even disgraceful in any person admitted to plead at the Bar of a Court of Justice.

Because the Judges, Spencer and Williams, instead of the justifying the receiving of fines and forfeitures imposed and adjudged by themselves, endeavored to excuse it from the plea of Necessity, and the former after a tedious and disgusting narrative of his services to the State, said if he received any such fines and forfeitures it was at a time when the Currency was greatly depreciated, though by the proofs produced to the Committee of both Houses many of

them appear to be of a very late date, almost all of them since the present Current Money was in circulation.

Because the charge against the said Judges of asserting that the General Assembly had no power to remit or suspend the payment of fines and forfeitures until the same should be paid into the Treasury hath neither been denied nor in any manner answered, and the said assertion was an extra Judicial interference with the powers of the Legislature, and tends to weaken the confidence of the people in their representation.

Because Judge Williams avowed the charge against him in the case of William Hay against Whitsell with insinuations that the said William Hay was one of the lukewarm Citizens who kept up their bonds when the Currency was in a depreciated State, though no such objection was made on the trial, and tho' the said William Hay was known to have been employed during the War (and it was so offered to have been proved) by the Commonwealth of Virginia as a Commercial Agent.

Because the charge in the case of Alexander McIver on a forfeited recognizance was not answered but by Judge Williams who Acknowledged that if the bail pleaded that defence the judgment was wrong, but that he did not know it or hear it.

Because the delay and neglect of Judges was too notorious to be denied, and therefore was in some measure Acknowledged by their Assertion, that the blame was partly owing to the lawyers, and the non Attendance of Judge Williams at Morgan Court was palliated by his alledging that he was paid by the number of Courts he should attend and not by a yearly salary, though he knew that no mere matter of law could be determined by a single Judge, and the particular charge of delay occasioned by long and unnecessary charges to Juries remain unanswered.

Because the case of James Blair and others on a forfeited recognizance in Morgan District which Judge Spencer endeavors to excuse by saying he thought it had gone too far for him to interfere, discovers that he was unacquainted with his duty as a Judge, it appearing that the principal had been surrendered by his bail, ordered into Custody, and twice sent out under different officers to procure fresh bail and therefore the Judgment had no foundation

but what arose from the Blunder and Misprision of the Clerk, the Surrender making void the recognizance.

Because in the cases of Singleton Good and others at New Bern Court under the Act for quieting purchasers of Confiscated property in their possessions, the Judges, Spencer and Williams, without declaring their opinions even at this time made an Apology that they delayed to decide thereon out of respect to the General Assembly.

Whereas, it was their duty to determine thereon if they were decided and uniform in their opinions, or if they doubted to state such doubts to the Legislature.

Because the plea of the Judges that an error in Judgement is no misdemeanor cannot apply to most of the charges against them, and if admitted in the present instance may be used hereafter to justify them in committing the greatest enormities.

Because the distinction made in the Committee of both Houses between a Citizen, and a person who is not a Citizen, is unfounded, the twelfth Article of the declaration of rights applying not to Citizens only but to free men generally, and the distinction is refuted by the Indictment the persons therein accused being charged as offending Citizens, who owe allegiance to this State, who were not otherwise chargeable.

Because the vote of this House confirming the resolution of the Committee of both Houses is contrary to express proof and to the Acknowledgements of two of the Judges. By this vote the Judges have been suffered to escape with impunity and even without censure after having grossly violated the Laws and fundamental Constitutions of the State merely as I conceive, because they had deprived some obnoxious characters of the rights of freemen, and the entire Acquittal of the Judges without a trial has a manifest tendency to obstruct public justice, to trample upon the rights of Juries, to invest our Magistrates with powers unknown to the Constitution, to a deprivation of the rights of our Constituents, to the increase of their complaints for want of due administration of Justice, and to the deplorable situation of our lives, liberties and property at the will and pleasure of three of our fellow Citizens.

For these reasons I have thought proper to protest against the vote of this House in favor of the Judges, that it may appear to my Constituents and to posterity that I am not answerable for the evils which must in my opinion be the necessary consequences of

suffering the Judicial authority to usurp the rights of Juries and to grasp at the Legislative Executive powers of the State.

A. MACLAINE.

From the foregoing facts supported by the testimony and admitted by the Judges without forming therefrom the same conclusions, I do enter this my protest.

Because by whatever pure motives the Judges might have been Actuated, the precedents thereby set are dangerous to the rights of the free men of this State, and to express an unlimited approbation of the conduct of the Judges in those instances would indicate an insensibility to the alarming encroachments upon the Constitutional rights of those whom I represent.

JOHN HAY.

Received from the Senate a Resolve of that House, presenting the thanks of the General Assembly to Mr. James Hogg and W. B. Grave for having provided a commodious and convenient house for the General Assembly to sit in, which being read, was concurred with.

Resolved, that the thanks of this House be presented to the Honorable John B. Ashe, Esquire, for his able, faithful and public Spirited Services as Speaker thereof, during this Session.

Received from the Senate a Resolve of that House respecting the Treaty held at Hopewell on the Keeowee, by Commissioners appointed by Congress for that purpose with the Cherokee, Chickasaw and Southern Indians, which, being read, was agreed to by this House except the following part thereof, which was rejected, (to wit,)

“Resolved, that the General Assembly of North Carolina view a  
“treaty calculated to deprive a respectable part of the Citizens of  
“their property, and to endanger their lives with the utmost horror  
“and indignation, and that it be represented to Congress in the  
“strongest terms that the late treaty of Hopewell instead of procur-  
“ing the blessings of peace to the Citizens of this State, will most  
“likely produce the contrary effect and involve them in all the  
“Horrors of War, as the Savages appear much more hostile since  
“than before.”

JOHN B. ASHE, S. C.

By Order, J. HUNT, C. H. C.

Inventory of public papers (put up in a chest) to be lodged in the Secretary's Office agreeable to a Resolve of the General Assembly, viz :

1777.

No. 1. Letters and Public dispatches received by Governor Caswell from January to June inclusive.

2 do. From July to December, inclusive.

1778.

3 do. From January to June, inclusive.

4 do. From July to December, do.

1779.

5 do. From January to June, do.

6 do. From July to December, do.

1780.

7 do. From January to March, do.

8 Copies of Letters written by Governor Caswell to sundries in — 1777.

9 do. From January 1778 to June 1778, inclusive.

10 do. From July to December, 1778.

11. Copies of Letters, 1779.

12. Continental and Military returns, 1779.

13. do — do — 1777 & 1778.

14. Sundry Memorials, Petitions & Depositions, 1777, 1778, 1779.

15. Resolves of Congress & the General Assembly, 1777, 8 & 9.

16. Public Accounts, 1777, 8 & 9.

17. Papers received in the Governor's absence by Col. Glasgow.

18. Relating to the 10th Regiment.

19. Letters received by Governor Caswell, 1777, additional.

20. Copies Letters from Governor Caswell, 1778.

21. Public Bonds, 1777, 8 & 9.

22. Sundry Estimates, Certificates, &c., 1777, 8 & 9.

1785.

State papers No. 1 to 43, inclusive.

State papers No. 44 to 82, inclusive.

Ditto No. 83 to 100.

Public Letters, 1785.

Letters of a Public nature, but not necessary to enter in Register.

Copies of Letters of a Public nature, but not necessary to enter into Letter Book.

Affidavits on which suspensions have been granted.  
 Recommendations on which Sheriff's Commissions have issued.  
 Sundry Receipts for Commissions and Certificates on which  
 Commissions have issued.  
 Superfluous resolutions of Congress, &c.  
 Copies of Messages to the General Assembly.  
 Petitions, Bonds, returns, &c., public.  
 1786 & 1787.  
 List of Inhabitants several counties.  
 List of the Inhabitants one District not given in.  
 Collectors and Naval Officers returns.  
 Sundry Public Letters.  
 Public Letters 1st file, 1787.  
 Public Letters, 2nd file, 1787.  
 Copies of Sundry Letters written by the Governor, 1786 & 1787.  
 Resolve of the General Assembly, Fayetteville.  
 4 Book Letters received by the Governor.  
 2 Book Letters sent by the Governor.  
 Journal of Congress 3rd Nov., 1785, to 3rd Nov., 1786.  
 Official Letters, &c., 1786, &c.  
 Copies of Governor's Letters, 1785 & 1786.  
 Affidavits for suspensions.  
 Petitions.  
 Letters & Petitions, &c., 1786.  
 Public Papers of Little use, 1786.  
 List of sundry officers, 1787.

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LIST OF OFFICERS OF THE LATE WAR WHO CONTINUED TO THE  
END THEREOF OR WERE DERANGED BY ACTS OF CONGRESS.

(Washington Correspondence—Book 115, p. 142 1-2 43.)

NORTH CAROLINA.

Major General,  
Robt. Howe.

Brigadier General,  
Jethro Sumner.

COLONELS.

James Armstrong, Thomas Clark, Selby Harney, Gideon Lamb,  
Archibald Lytle, John Patten, James Thackston.

LIEUTENANT COLONELS.

John Armstrong, William Davidson, Hardy Murfree.



## MAJORS.

Reading Blount, Thomas Donohoe, George Doherty, Thomas Hogg, Griffith J. McRee, John Nelson.

## CAPTAINS.

William Armstrong, Thomas Armstrong, Peter Bacot, Kedar Ballard, Gee Bradley, Alexander Brevard, Benjamin Bailey, Samuel Budd, John Craddock, Benjamin Coleman, Leonard Cooper, Benjamin Carter, Francis Child, Thomas Callender, John Daves, Tighman Dixon, Thomas Evans, Robert Fenner, William Fawn, Clement Hall, Joshua Hadley, John Ingles, Samuel Jones, William Lyttle, Micajah Lewis, John Kingsbury, John McNees, Joseph Mumford, James Mills, Benjamin Mills, John Madeiras, Elijah Moore, James Pearle, Jesse Reed, John Rochell, James Read, Robert Raiford, Joseph T. Rhodes, Charles Stewart, John Summers, Anthony Sharpe, William Walton, John Walsh, William Williams, Edward Yarborough.

## CAPTAIN LIEUTENANT.

Philip Jones.

## LIEUTENANTS.

Samuel Ashe, William Alexander, William Bush, Joseph Brevard, Robert Bell, Anthony Cratcher, John Clendennan, James Campen, Thomas Clarke, John Campbell, Thomas Dudley, Charles Dixon, Wayne Dixon, Richard Fenner, Thomas Finney, John Ford, Francis Graves, Charles Gerrard, William Hargrave, Robert Hays, Hardy Holmes, John Hill, Curtis Ivey, Abner Lamb, Nathan Lawrence, Dixon Marshall, James Moore; Thomas Pasteur, Daniel Shaw, Stephen Slade; William Saunders, James Scurlock, Jesse Steed, James Tatum, John Vance, Nathaniel Williams.

## SURGEONS.

James Fergus; James W. Green; Wm. McClure, Solomon Halling, \*Joseph Blyth.

## MATE.

William McClane.

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\*Was Surgeon as late as February 4, 1782.

The list at Page 71, Book 100, gives the names of the General and Field Officers only as above.

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LETTERS--1786.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS, January 3d, 1786.

SIR:

In obedience to the order of Congress I herewith transmit your Excellency to be communicated to the Legislature a State of the Representation for the last month.

With the greatest respect I have the honor to be

Your Excellency's most obedt. humble servt.,

CHAS. THOMSON.

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF DECEMBER, 1785, PURSUANT TO THE ACT OF  
17TH AUGUST, 1785.

[From Executive Letter Book.]

| Members in Town                                                  | 1 | 2 | 5 | 6 | 7 | 8 | 9 | 12 | 13 | 14 | 15 | 16 | 17 | 19 | 20 | 21 | 22 | 23 | 24 | 26 | 27 | 28 | 29 | 30 |
|------------------------------------------------------------------|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| New Hampshire—<br>Mr. Long, Mr.<br>Livermore .....               | 1 | 1 | 1 | 1 | r | r | r | 1  | 1  | 1  | 1  | r  | 1  | r  | r  | r  | r  | r  | r  | 1  | r  | r  | r  | r  |
| Massachusetts—<br>Mr. King, Mr.<br>Lane, Mr. Sedg-<br>wick ..... | r | r | r |   | r | r | r | r  | r  | r  | r  | r  |    | r  | r  | r  | r  | r  | r  | 1  | r  | r  | r  | r  |
| Rhode Island ..                                                  |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Connecticut—Mr.<br>Mitchell, Mr.<br>Johnston.....                | 1 | 1 |   |   |   |   |   |    |    |    | 1  |    | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | r  | r  | r  |
| New York — Mr.<br>Harring, Mr.<br>Lawrence, Mr.<br>Smith .....   | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| New Jersey—Mr.<br>Cadwallader,<br>Mr. Symmes,<br>Mr. Hornblower  | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Pennsylvania—Mr.<br>Bayard, Mr.<br>Pettit.....                   | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Delaware.....                                                    |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Maryland — Mr.<br>McHenry, Mr.<br>Hindman.....                   | r | r |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Virginia—Mr.<br>Munroe.....                                      |   |   |   |   |   |   |   |    |    |    |    |    |    |    | 1  | 1  | 1  | 1  |    | 1  | 1  | 1  | 1  | 1  |
| North Carolina ..                                                |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| South Carolina—<br>Mr. Pinkney, Mr.<br>Ramsey, Mr.<br>Kean.....  | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Georgia—Mr.<br>Houstonn, Mr.<br>Baldwin .....                    | r | r | 1 | 1 | 1 | 1 | 1 | 1  | 1  | 1  | 1  |    |    | 1  | 1  | 1  | 1  | 1  |    | 1  | 1  | 1  | 1  | 1  |
| The States repre-<br>sented.....                                 | 7 | 7 | 5 | 4 | 6 | 6 | 6 | 5  | 5  | 5  | 5  | 2  | 2  | 6  | 6  | 6  | 6  | 4  | 4  | 5  | 7  | 7  | 7  | 7  |

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GOV. CASWELL TO HON. CHAS. THOMSON.

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[From Executive Letter Book.]

NORTH CAROLINA, KINGSTON,  
January 6th, 1786.

SIR :

I have delayed answering sundry of your letters, or rather omitted acknowledging the receipt of them on account of the sitting of our late Assembly, at the close of which I had flattered myself with being able to give you some information on the subject of your Letters, but, 'tis little I can say on that head.

Your favors which have come to hand since my last, are as follows, viz : 22nd August last, enclosing an act of Congress touching the conduct of Captain Stanhope, and the Governor of Massachusetts' Letter, with the correspondence between him and Captain Stanhope.

August 24th enclosing sundry acts of Congress respecting the representation of the states, which I did myself the honor of laying before the Legislature.

Same date, enclosing an Act of Congress of 20th Feby., 1782, Do. 17th Feby., 1783. Do. 18th April, 1783, which have also been laid before the Legislature.

September 6th, enclosing two copies of the Continuation of the Journals of Congress from the 29th July to August 25th, also a list of the Representation of the States in Congress in the month of August.

August 29th, enclosing an Act of Congress respecting the transmitting the Laws of the State to Congress.

October 7th, enclosing the Requisition of Congress for the year 1785, and an Act of 30th September, 1785, respecting Commissioners of the Continental Loan Office. I have received from Mr. Cummings sundry acts of the Legislature of South Carolina, but none of those of Massachusetts have come to hand.

October 15th, enclosing an act of Congress of the 12th of that month, calling upon the States to complete their Quotas of the Requisitions of September, 1782, and of April, 1784.

October 25th, enclosing Continuation of the Journals of Congress from 25th August to the 29th September, two Copies and list of the Representation of the States in Congress in the month of September.

Nov. 7th enclosing two copies of the Journals from 29th Sept. to the close of the Session, also a list of the representation of the States in Congress from first October to the 1st Monday in November.

I have said that some of the foregoing were laid before the General Assembly, in truth the whole were, but what resolutions they have particularly taken I cannot now inform you, as the Journals are not yet published. When they are I will do myself the honor of writing you particularly on the foregoing subjects.

I have the honor to be respectfully,

Sir, your mo. ob. & very humbl. Serv.,

R. CASWELL.

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HON. WM. BLOUNT TO THE CONTINENTAL COMMISSIONERS.

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[From Executive Letter Book.]

HOPEWELL ON KEEOWEE, January 10th, 1786.

GENTLEMEN :

I beg leave again to call your attention to my letters of the 22d and 28th of November and again to assure you that should you by treaty fix any Bounds between the Citizens of North Carolina and any nation of Indians within the limits of the said State as declared in her Constitution and Bill of rights, or allot any lands to any Nation, Tribe or Town of Indians to live or hunt on within the said limits, the said State shall and will consider such treaty or allotment a violation of her Constitutional and Legislative rights.

I have the honor to be

Yours, &c.,

WM. BLOUNT,

Agent for the State of North Carolina.

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HON. WM. BLOUNT TO THE CONTINENTAL COMMISSIONERS.

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— [From Executive Letter Book.]

The under written agent for the State of North Carolina protests against the treaty on this day about to be entered into between Benjamin Hawkins, Joseph Martin and Andrew Pickens, Commissioners on the part of the United States of America, and the Chickasaw Indians on the other part, because it contains Stipulations which infringe and violate the Constitutional and Legislative rights of that State.

Done at Hopewell on Keeowee, January 10th, 1786.

WM. BLOUNT.

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HON. JOHN JAY TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, OFFICE FOR FOREIGN AFFAIRS,  
10th January, 1786.

SIR :

Your Excellency will receive herewith enclosed a Certified Copy of an Act of Congress of the 6th Instant Recognizing the Sieur de la Forest as Vice Consul General of his Christian Majesty in the United States.

I have the honor to be with great respect

Your Excellency's most obt. & very humble Servt.,

JOHN JAY.

A RECOGNITION OF THE SIEUR DE LA FOREST AS VICE CONSUL  
OF FRANCE.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,  
January 6th, 1786.

On a Report of the Secretary to the United States of America for the Department of Foreign Affairs to whom was referred his letter of the 29th of December enclosing a letter of the 19th of that month from the Charge des Affaires of France with a Brevet of the 22d day of June, 1785, appointing the Sieur de la Forest Vice Consul of France for the United States.

Whereas, the Sieur de la Forest has presented to Congress a Brevet from his most Christian Majesty bearing date 22d day of June, 1785, appointing him Vice Consul General in the United States.

Resolved, That the Sieur de la Forest be, and he hereby is received and Recognized as the Vice Consul General of his most Christian Majesty in the United States, and that the said Brevet be Registered in the Secretary's Office.

Resolved, That all the Privileges, Pre-eminences and Authority belonging to the said Character and Quality are due to the said Sieur de la Forest, and shall be enjoyed by him.

Ordered, that a Certified Copy of the above resolution be transmitted by the Secretary to the United States of America, for the department of Foreign Affairs, to the Sieur de la Forest, and also to the Executive of each of the States for their information.

CHAS. THOMSON, Secy.

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TREATY BETWEEN THE COMMISSIONERS OF U. S. AND CHICKASAWS.

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[From Executive Letter Book.]

January 10th, 1786.

ARTICLES OF TREATY.

Concluded at Hopewell, on the Keeowee, near Seneca old Town, Between Benjamin Hawkins, Andrew Pickens, and Joseph Martin, Commissioners Plenipotentiary of the United States of America of the one part, and Piomingo, Head Warrior and first Minister of the Chickasaw Nation, Mingatashka, one of the leading Chief and Latopioia first beloved Man of the said Nation, Commissioner Plenipotentiary of all the Chickasaws of the other part.

The Commissioners Plenipotentiary of the United States of America give peace to the Chickasaw Nation, and receive them into the favor and protection of the said States, on the following Conditions :

Article 1. The Commissioners Plenipotentiary of the Chickasaw Nation shall restore all the prisoners, Citizens of the United States, to their entire liberty, if any there be in the Chickasaw Nation. They shall also restore all the Negroes, and all other property taken during the late War, from the Citizens, if any there be in the Chickasaw Nation, to such person and at such time and place, as the Commissioners of the United States of America shall appoint.

Article 2. The Commissioners Plenipotentiary of the Chickasaws do hereby acknowledge the tribes, and the towns of the Chickasaw Nation under the protection of the United States of America, and of no other Sovereign whosoever.

Article 3. The boundary of the lands hereby allotted to the Chickasaw Nation to live and hunt on within the limits of the United States of America, is, and shall be the following, viz. :

Beginning on the ridge that divides the waters running into the Cumberland, from thence running into the Tennessee at a point in a line to be run Northeast, which shall strike the Tennessee at the mouth of Duck river, thence running Westerly along the said ridge till it shall strike the Ohio, thence down the Southern banks thereof to the Mississippi, thence down the same to the Choctaw line or Naches district, then along the said line or line of the district eastwardly as far as the Chickasaws claimed, and lived and hunted on,



the twenty-ninth day of November, One Thousand Seven hundred and eighty-two, then the said Boundary eastwardly shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands at present in the possession of the Creeks, saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle Shoals, at the mouth of Acchappo, in circle, the diameter of which shall be five miles on the river, which post, and the lands annexed thereto, shall be to the use and under the Government of the United States of America.

Article 4. If any citizens of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America, and the Chickasaws may punish him or not as they please.

Article 5. If any Indian or Indians, or persons residing among them, or who shall take refuge in their Nation, shall commit a robbery or murder or other capital crime upon any citizen of the United States or person under their protection, the tribe to which said Offender or Offenders may belong, or the Nation, shall be bound to deliver him or them up to be punished according to the Ordinance of the United States in Congress Assembled, provided that the punishment shall not be greater than if the Robbery or Murder, or other capital crime, had been committed by a citizen on a citizen.

Article 6. If any Citizen of the United States of America, or person under their protection shall commit a Robbery or murder, or other capital crime, on any Indian, such Offender or Offenders shall be punished in the same manner, as the Robbery or murder or other capital crime had been committed on a citizen of the United States of America, and the punishment shall be in the presence of some of the Chicksaws, if any will attend at the time and place, and that they may have an opportunity so to do, due notice if practicable, of such intended punishment, shall be sent to some one of the tribes.

Article 7. It is understood that the punishment of the Innocent, under the idea of retaliation is unjust, and shall not be practiced on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of Hostilities.

Article 8. For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the Citizens or Indians, the United States in Congress Assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Article 9. Until the pleasure of Congress be known respecting the eighth Article, all Traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Chickasaws to trade with them, and they shall be protected in their person and property, and kindly treated.

Article 10. The said Indians shall give notice to the citizens of the United States of America, of any designs they may know or suspect to be formed in any Neighboring tribe or by any person whatsoever, against the peace, trade or interest of the United States of America.

Article 11. The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and the Chickasaw Nation on the other part, shall be universal, and the contracting parties shall use their utmost endeavors to Maintain the peace given as aforesaid, and friendship re-established.

In Witnesses of all, and everything herein contained, between the said States and the Chickasaws, we their under written Commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our Seals to be hereunto affixed. Done at Hopewell, on Keeowee this tenth day of January, in the year of our Lord One Thousand Seven hundred and eighty-six.

BENJAMIN HAWKINS, (L. S.),  
ANDREW PICKENS, (L. S.),  
JOS. MARTIN, (L. S.),  
PIOMINGO, (X) his mark,  
MINGGATUSHKA, (X) his mark,  
LATOPOIA, (X) his mark.

Witnesses: WM. BLOUNT,  
WM. HARRARD,  
SAM TAYLOR.

JAMES COLE, Sworn Interpreter.

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HON. CHAS THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS, Jan. 12th, 1786.

SIR :

I have the honor to transmit to your Excellency herewith enclosed a copy of a Report which I made to Congress in Obedience to their order of the 2d of this month.

With great respect I have the Honor to be,

Your Excellency's most obedient and most humble Servt.,  
CHAS. THOMSON.

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HON. CHAS. THOMSON'S REPORT TO CONGRESS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,  
January 2d, 1786.

Ordered, That the Secretary of Congress report the Number of States which have complied in whole or in part with the Revenue System of April 18, 1783; the recommendation of Congress of the same date, for an alteration of the 8th of the Articles of Confederation; and the Act of the 30th of April, 1784, recommending the vesting of certain Commercial powers in Congress.

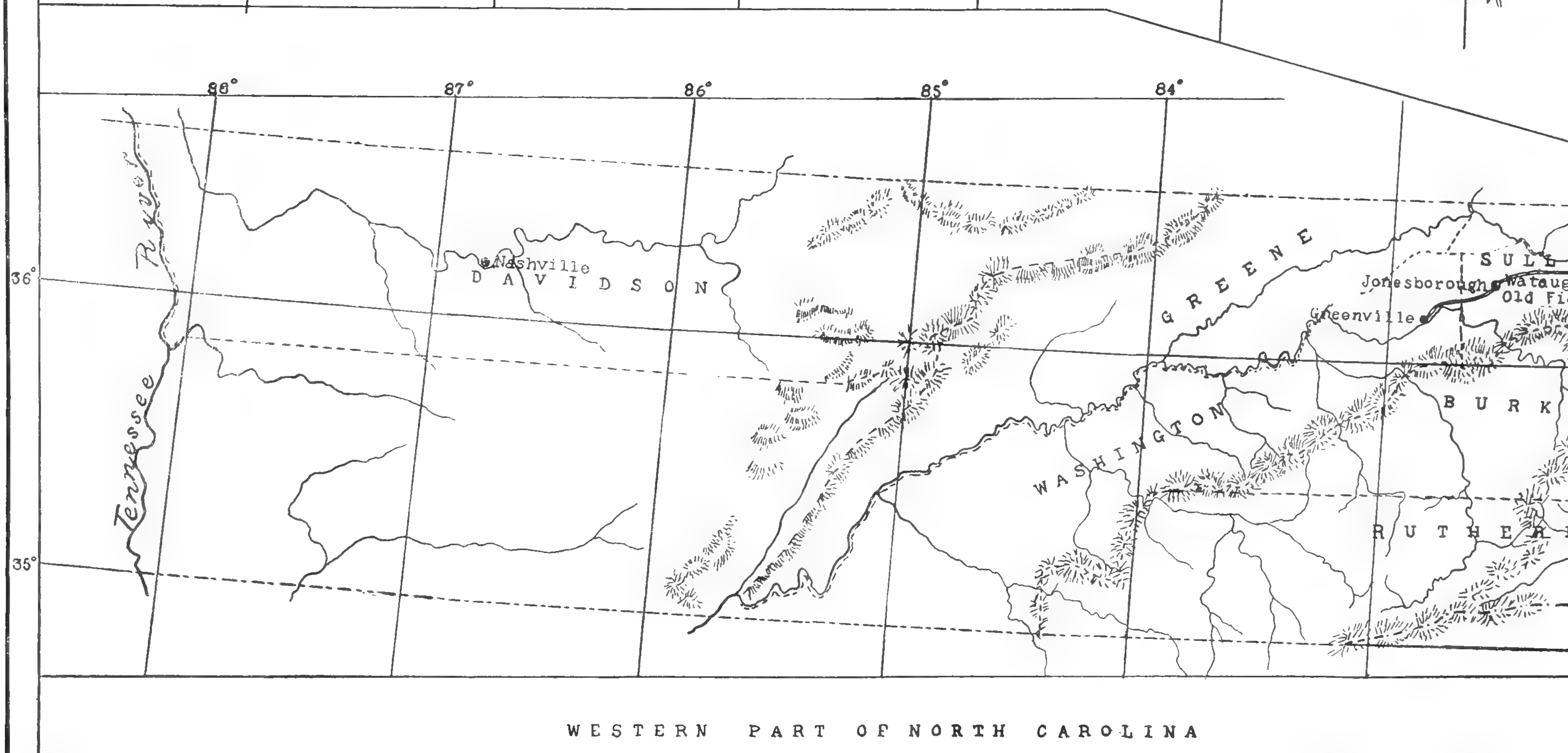
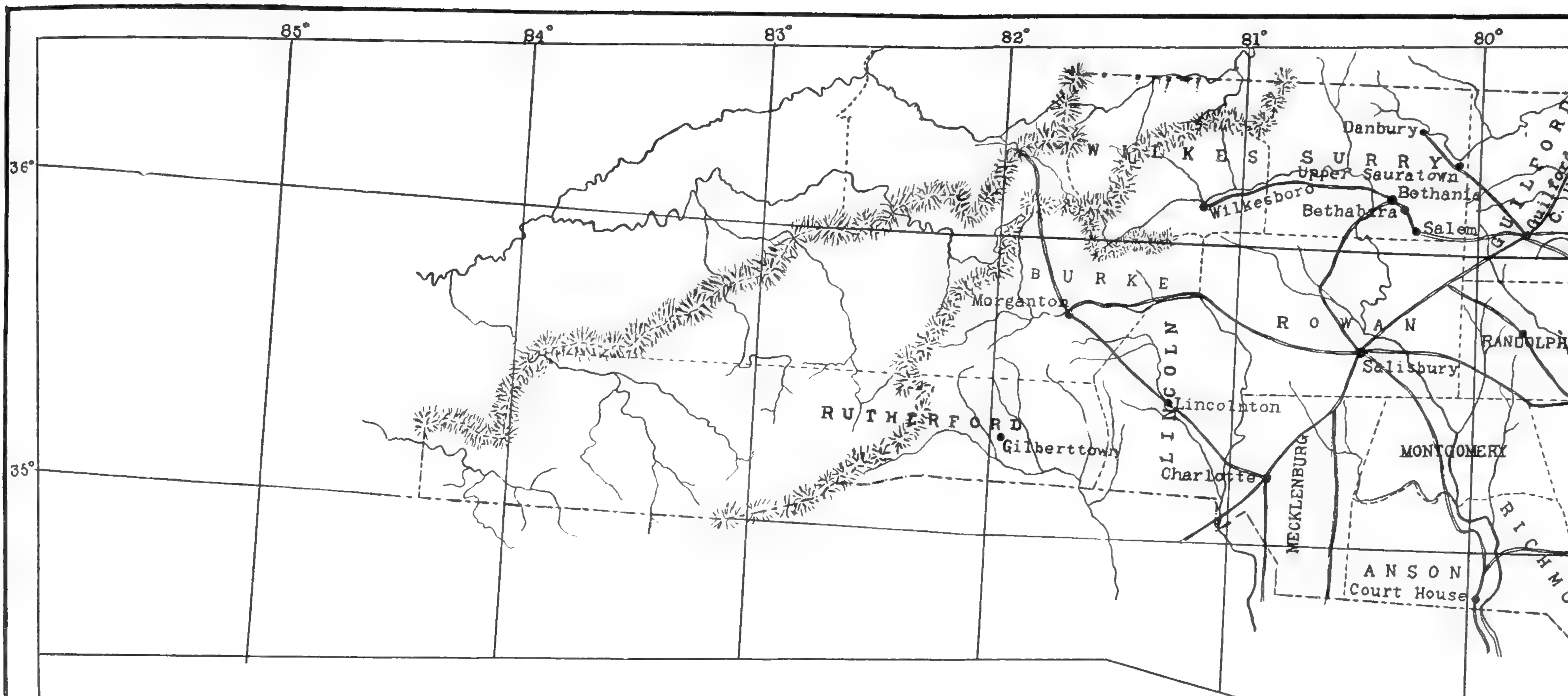
OFFICE OF SECRETARY OF CONGRESS, Jan. 4, 1786.

In Obedience to the Orders of Congress, the Secretary of Congress reports :

That the revenue System of the 18th April, 1783, consists of two parts.

First, a recommendation to the States to invest the United States in Congress Assembled with a power to levy for the use of the United States certain duties upon goods imported into the said States from any Foreign Port, Island or plantation, to be applied to the discharge of the Interest and principal of the debts contracted on the faith of the United States agreeably to the resolution of the 16th





WESTERN PART OF NORTH CAROLINA









December 1782, and not to be continued for a longer term than twenty-five years. The Collectors of the duties to be appointed by the States respectively, but when appointed to be amenable to and removable by the United States in Congress Assembled alone, and in case any State shall not make such appointment within one month after notice given for that purpose, the appointment may be made by the United States in Congress Assembled.

With this part of the Act the following States have complied :

New Hampshire, by Act 1st & 2d of January, 1784.

Massachusetts, by do. 30th October, 1783.

Connecticut, by do. May, 1784.

New Jersey, by do. 11th June, 1783.

Pennsylvania, by do. 23d September, 1783.

Virginia, by do. October, 1783, ch. 31.

North Carolina, by do. June, 1784.

South Carolina, by do. 21st March, 1784.

Rhode Island, in the Session of their Legislature in the Spring of 1785, passed an Act for levying the duties pointed out by Congress, but have therein enacted, that the Collector shall be appointed by and amenable to their General Assembly, and that of the money arising from the duties, a certain sum, viz. : 8,000 dollars shall be appropriated in their Treasury, for the payment of the Interest of that State's proportion of the foreign debt of the United States, and paid to the order of Congress, and that the surplus of the duties and the amount of other taxes ordered by the said Act, shall be appropriated to the payment of the Interest of the Internal debt of the United States due within that State. This Act to take effect when the other States in the union agree to the said impost to the acceptance of Congress, and have provided other adequate funds for compleating their quota of 1,500,000 dollars, according to the requisition of Congress of the 10th of April, 1783, but with this proviso, and upon this express condition, "that no duties shall be collected upon Articles imported into any State, upon which the said duties have been paid by any other State, and that no duty shall be imposed by any one State upon the Citizens of another State, either upon imported Articles having paid the duties as



aforesaid, or upon any Articles, of the growth produce or manufacture of the United States."

The State of Maryland, in June, 1782, pursuant to Acts of Congress of the 3d and 7th of February, 1781, passed "an Act to authorize the United States in Congress Assembled to impose and levy a duty of five per Cent on imported foreign goods, and on all prizes and prize goods, for the payment of the debts contracted by Congress during the War;" and in November Session 1784, their Legislature passed a supplement to the afore mentioned Act, whereby it should take effect as soon as twelve States, including that State, vested Congress with similar powers, but it does not appear that they have passed any Act pursuant to the recommendation of Congress of the 18th April, 1783.

Delaware, it is said, has passed an Act conformable to the recommendation above mentioned, but no official information thereof has yet been transmitted to this office or to the Board of Treasury.

The second part of the revenue System of the 18th of April 1783, consists of a recommendation to the several States to establish for a term limited to twenty-five years, and to appropriate to the discharge of the Interest and principal contracted on the faith of the United States for supporting the War, substantial and effectual revenues of such nature as they may judge most convenient, for supplying their respective proportions of 1,500,000 dollars annually, exclusive of the afore mentioned duties. With this part of the Act the following States have complied :

New Jersey, by their Act of 20th December, 1783.

Pennsylvania, do. Sept. 1783.

North Carolina, do. June 9th, 1784.

Rhode Island in the Act above mentioned has enacted, that a Tax of one Spanish silver milled dollar upon every hundred Acres of Land within that State, upon every male poll in the State of twenty-one years of age, and upon every Horse or mare of two years old and upwards shall be annually laid, levied and collected, and that the account thereof shall be appropriated to the payment of the Interest of the internal debt of the United States, due within that State, with the proviso and on the express Condition above set forth.

The Act of the 18th of April, 1783, also recommends to the States an alteration in the 8th of the articles of Confederation and Per-

petual Union, for ascertaining with more Convenience and Certainty the proportions to be supplied by the States, which are advised to authorize their respective Delegates to subscribe and ratify the same as part of the said Instrument of union, in the words therein mentioned.

With this part of the Act, the following States have complied :

Massachusetts, by their Act 2d July, 1785.

Connecticut, by do. May, 1783.

New York, by do. April, 1783.

New Jersey, by do. June, 1783.

Pennsylvania, by do. August, 1783.

Maryland, by do. November, 1784.

Virginia, by do. May, 1784.

North Carolina, by do. June, 1784.

By the Act of the 30th of April, 1784, it is recommended to the Legislatures of the several States to vest the United States in Congress Assembled for the term of fifteen years with the power,

1. To prohibit any goods, wares or merchandise from being imported into or exported from any of the States, in Vessels belonging to or navigated by the subjects of any power with whom these States shall not have formed Treaties of Commerce.

2. To prohibit the subjects of any Foreign State, Kingdom or Empire, unless authorized by treaty, from importing into the United States any goods, wares or merchandises which are not the produce or manufacture of the dominions of the Sovereign whose subjects they are.

In pursuance of this Act, New Hampshire has invested Congress for fifteen years, with full power to regulate the trade of the United States as they may judge best calculated to promote the Weal and prosperity thereof, the fees, profits and emoluments arising from their regulations, to be appropriated to the sole use of discharging public debts. See Act 22d June, 1785.

Massachusetts has passed a Law in the terms of recommendation 4th July, 1784.

Rhode Island has empowered their Delegates to agree and ratify any article empowering the United States in Congress Assembled to regulate, restrain and prohibit the importation of all foreign goods in any but American Vessels. See Act passed Oct. 1785. The Delegates are empowered to agree to any Article by which the United

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States in Congress Assembled shall be solely impowered to regulate the Trade and Commerce of the respective States and Citizens thereof with each other, and to regulate, restrain, or prohibit the importation of all foreign Goods in American Vessels for Twenty-five years.

Connecticut has passed an Act in the Terms of /the recommendation, May 1785.

New York the same, 4th April, 1785.

Pennsylvania the same, 15th December, 1784.

Maryland the same, November, 1784.

Virginia the same, May, 1784.

North Carolina the same, June, 1784.

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MR. JAMES GILLISPIE TO GOV. CASWELL.

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[From Executive Letter Book.]

DUPLIN, Jany. 14th, 1786.

DEAR SIR :

On my arrival home I immediately wrote to Mr. Bloodworth respecting the time of his going to Congress, as I wished him to assist me in procuring paper for the new money, but am sorry to find that he is not Certain as to the time of his going, this disappointment being entirely unexpected I am at a loss to know how to Act, I fear the only alternative is to go myself, as I dread very much the Getting a person I can rely on. This being an arduous task at this season of the year I wish your Excellency's advice in the matter, as I assure you I am at a loss to know what sum will be adequate to this Service in Case I can find a person I can rely on to undertake the Business. Some are of opinion the best way is by Portsmouth and from there to the head of Elk by water. Your Excellency being well Acquainted with the different ways will much oblige me to recommend what you may judge the most Expeditious. If you have any dispatches to send North'dly I shall call at Kinston or direct whoever I may send on, if I am so lucky as to find a person to my liking. In the mean time I shall be much Obligated to your Excellency for such a recommendation as you may approve either generally or to such of your Acquaintances at Phila-

delphia as you may think most likely to forward me in this Business, as I assure you I regret the delay that must inevitably ensue. Please to mention if Mr. Blount is returned, and the prospect of his going to Congress.

With the Greatest respect,

I am your Excellency's Most obt.,

JAMES GILLISPIE.

I purpose setting out in about 6 days.

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HON. CHAS. JOHNSTON TO GOV. CASWELL.

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[From Executive Letter Book.]

EDENTON, Jany. 14th, 1786.

DR. SIR :

As the Assembly have again done me the honor of electing me a Delegate, impressed with a just sense of the Respected Marks of Confidence conferred on me, I am determined to give my attendance in Congress if requisite, agreeable to the promise contained in my last letter to your Excellency, altho, I do not find the Condition on which that promise was made has been attended to. I therefore request your Excellency to inform me what arrangement of the Delegates has been adopted and whether my attendance during the last six months of the present year will be required ; in which case I request your Excellency will furnish me with a Commission as Delegate both for the present and succeeding year.

In my last letter to your Excellency I took the liberty of informing you that neither Bills nor Specie could be brought here with paper money, nor is there any other mode of procuring Specie but by Shipments to New York. Tobacco is the article that can be shipped with least loss but it cannot be purchased nearer this place than Halifax; purchasing and getting it down the River Roanoke will take some time, and if delayed until summer is then generally impracticable ; Shipping, carrying to New York and selling there, will also take up some time, all which must be done before I set out; for these reasons I submit to your Excellency whether it will not be expedient to furnish me with warrants immediately for the full

amount of my salary for six months and allowance for travelling to and from Congress ; if the Warrants are delayed until the time of my setting off unavoidable delays must ensue when my presence in Congress may be necessary, and it will be expected that I should proceed when it will be impossible for me to do it. Should I set out before my remittances are entirely made, as there will be some difficulty and a good deal of trouble in negotiating the Warrants, purchasing, Shipping, &c., I might possibly be disappointed, and a failure would render my situation very disagreeable. Permit me to observe that the Warrants may be more easily collected from the Sheriffs if they are granted for small sums.

If your Excellency could spare time I shall be obliged to you for any information you can favor me with respecting the Continental Affairs, particularly what has been done in Compliance with any requisitions or resolves of Congress laid before the Assembly, what number of Auditors Certificates have been granted, how much our charge against the Continent is supposed to amount to, how much of the Army debt is paid off ; and as our Quota of the Continental annual expence seems to me enormous, I wish to be possessed of such circumstances as may tend to get it lessened ; and authentic list of the number of Inhabitants in this State I think would be of Service for this purpose, as I cannot help believing they must have been greatly overrated.

As the time of purchasing Tobacco is elapsing I hope to hear from your Excellency as soon as possible, and am with great respect and esteem Dr. Sir,

Your Excellency's most obedt. Servant,  
CHAS. JOHNSTON.

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GOV. CASWELL TO JAMES GILLISPIE.

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[From Executive Letter Book.]

KINGSTON, 15th Jany., 1786.

DEAR SIR :

Your favor of yesterday I have now before me. I am sorry Mr. Bloodworth is not likely to go in time to procure the paper for the

Currency, and I am fearful you will not be able to get a person on whom you can rely to effect this business as you know the utmost attention must be paid to making no more of the paper than is necessary, and whoever gets the paper must see to that; nay, he ought to see that the apparatus should be either immediately destroyed or the parts so broken and disjointed as to make it difficult to imitate the paper, lines and letters. Under these considerations, if it be possible for you to go on yourself I am satisfied the business will be sooner done and Counterfeits much more likely to be Guarded against. The expense either way will be considerable, but in my judgment it ought to be submitted to.

At this Season of the year a passage from Portsmouth to the head of the Bay will be uncertain and precarious on account of the Ice. If I was going myself I should proceed by the Western side of the head of the Bay, the Rout of which from hence take as follows :

|                   |           |               |           |
|-------------------|-----------|---------------|-----------|
| To Halifax        | 90 Miles, | To Alexandria | 40 Miles, |
| Petersburg        | 75        | Georgetown    | 15        |
| Richmond          | 25        | Baltimore     | 40        |
| Hanover Co. House | 20        | Susquehannah  | 30        |
| Bowling Green     | 35        | Christiana    | 40        |
| Fredricksburg     | 25        | Philadelphia  | 40        |

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The distance I will not say in every instance will be found correct but I believe most of them are right, and the way as good as any road you can go, the accommodations perhaps better & the ferries shorter.

I send you a general recommendation which may answer better than particular letters, as it may occasionally be made use of.

Mr. Blount is not returned that I have heard of, nor have I a syllable from him since I left New Bern.

If you go yourself I shall be glad to see you here on your way. My dispatches shall be made out to about the time you propose setting out; if you do not go, please to let the person who does, call on me.

I am uneasy that we have no prospect of being represented in Congress shortly.

I am, dear Sir, your mo. ob. Servt.,

R. CASWELL.

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RESOLVES OF THE LEGISLATURE OF VIRGINIA FOR CUTTING A  
CANAL FROM PASQUOTANK TO ELIZABETH RIVER.

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[From Executive Letter Book.]

IN THE HOUSE OF DELEGATES, 19TH JAN., 1786.

Whereas, Commissioners have been appointed by Authority of the General Assembly, to view and examine the most proper situation for a Navigable Canal to be cut thro' the Country lying between the waters of Chesapeake and the river or water Courses which fall into the State of North Carolina, and whereas, it appears from the report of the said Commissioners that the most proper situation for the said Canal will be to begin at a Creek called New Mill Creek, which empties itself into the Southern Branch of Elizabeth river, and from the said Creek to be carried nearly a straight line direction to a pond on the Dismal Swamp commonly called Drummond's pond, and from the said pond to Pasquotank river in the State of North Carolina, and it further appears that the Opening the said Canal will promote an intercourse between the Inhabitants of this State and the Inhabitants of the State of North Carolina equally advantageous to the people of each State, and that there is great reason to believe the said Canal will be opened and made Navigable, and a Sufficient sum of money raised for that purpose by the subscription of private Citizens, if an Act shall pass authoring them to Collect reasonable Tolls on Vessels and Merchandise passing through the said Canal, on terms as nearly similar as Circumstances will permit, to those prescribed by the Laws of this State for opening and extending the Navigation of James and Potomac Rivers, and whereas, the said Canal, if Opened and Carried to the waters of North Carolina, will extend several miles thro' the Territory of the said State, and it therefore becomes necessary to make Application to the said State to grant their Concurrence and aid to such measures as may be deemed proper and necessary to carry the said Design into Execution.

Resolved, therefore, that the Governor of this State shall be and he is hereby empowered, by and with the advice of the Council of State, to take the most speedy and effectual measures to inform the Executive Department of the State of North Carolina that this State

is willing and desirous to open the said Canal, and to obtain the Concurrence of the said State to the same, and for this purpose the Governor is directed to appoint one or more Commissioners with advice aforesaid to Confer with a Commissioner or Commissioners from the State of North Carolina, if the Legislature of the said State shall authorize the same, respecting the opening the said Canal, and the terms and conditions on which the same shall be held, and the said Commissioner or Commissioners shall be authorized to assure the Commissioner or Commissioners so appointed by the State of North Carolina, that this State having in Contemplation the Continuance and extension of that Friendly intercourse which has ever subsisted between the two States is desirous that all regulations which may be proposed and agreed to respecting the said Canal, and the Vessels or Merchandise which may pass thro' the same, shall be on terms reciprocally advantageous to the said States and to the Citizens thereof, and that this State is desirous to stipulate with the State of North Carolina, that no duties or Customs shall be imposed in either State for the purpose of raising a revenue for the benefit of either of the said States, or any goods, wares or Merchandise which may pass thro' the said Canal, other than the Tolls agreed on to be paid to the persons in whom the property of the said Canal may be vested, and the said Commissioner or Commissioners shall have power to agree with the Commissioner or Commissioners of the State of North Carolina on the form of a Law agreeable to the principles aforesaid to be submitted to the Legislatures of each State, and if the same shall be agreed to by the Legislatures of both States the law shall be perpetual and irrevocable except by the consent of the Legislatures of this State and the State of North Carolina. The Commissioner or Commissioners so appointed by the Executive of this State shall be paid for their services whatever sum the Governor with advice of Council shall direct.

Test : JOHN BECKLEY, C. H. D.

Agreed to by the Senate: H. BROOKS, C. S.

(A Copy) Test : JOHN BECKLEY, C. H. D.



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GOV. CASWELL TO CHAS. THOMPSON, ESQ.

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KINGSTON, 21st Jany., 1786.

SIR :

I had the honor to receive your letter of Nov. 9th, 1785, with two copies of the Journals of Congress of last year; bound, which shall be disposed of as you advise. Our Laws are in such a situation, as not to admit the furnishing the copies required by Congress, but as they are about to be revised I flatter myself that as soon as that is completed and the revision printed, copies will be transmitted agreeable to the wishes of Congress.

I have received sundry Acts of the Legislature of South Carolina, but none from Massachusetts, from Connecticut one complete, well bound Copy of all their Laws to 1784, has been received in this State.

I am with great respect Sir,

Your mo. ob. humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO COMMISSIONERS BOARD OF TREASURY.

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[From Executive Letter Book.]

KINGSTON, 21st Jany., 1786.

GENTLEMEN :

I had the honor to receive your letters of the 10th and 25th October last, enclosing the requisition of Congress for the support of Government for the year 1785, with sundry accounts, between the United States and this State, all which have been laid before the General Assembly, but I am not able to inform you, if they have taken any resolution upon them. Whenever their proceedings are published, if anything material is done in this business, I will do myself the honor of informing you.

I am with great respect Gentlemen,

Your mo. ob. & humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO JOHN JAY.

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[From Executive Letter Book.]

KINGSTON, 21st Jany, 1786.

SIR :

I had the honor to receive your letter of the 14th of October last, enclosing copies of a letter from Chev. Jones to you, and of one from Mr. Soulanges to the Judges and Consuls at Nantes, advising that Algiers had declared war against the United States, Which have been laid before the General Assembly of this State.

I have the honor to be with great respect Sir,

Your mo. ob. humbl. Servt.,

R. CASWELL.

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GOV. PATRICK HENRY TO GOV. CASWELL.

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[From Executive Letter Book.]

RICHMOND, Jany. 25th, 1786.

SIR :

I have the honor to transmit to your Excellency the proceedings of an Assembly on the subject of opening a navigable Canal from the waters of your State to those of Elizabeth River. This matter, so interesting to the Southern Inhabitants of Virginia as well as their Neighbours of Carolina, with whom they have a Community of Interests, I have to request you will please to lay Before the legislature early as possible, in Order that it may receive that attention which it deserves.

With great regard I am Sir,

Your Excellency's most Humble Servt.,

P. HENRY.

Wm. Ronalds, Esqr., and Mr. Robert Andrews are appointed our Commissioners.

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GOV. CASWELL TO GREEN HILL, ESQ.

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[From Executive Letter Book.]

KINGSTON, Jany. 27th, 1786.

DEAR SIR :

A Council was appointed to be held at this place the 25th Inst., three members only have attended and are now waiting for a fourth. Business of consequence which cannot be done without advice of Council, must remain undone until I can collect a Board, and as you was elected a member of Council for the Current year, by the General Assembly, it becomes my duty to request you will be pleased to come forward, qualify and take your Seat at the Board. Pray be as expeditious as you can with convenience, or I fear the other members will separate before your arrival.

I am Sir, your mo. ob. Servt.,

R. CASWELL.

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COL. JOS. MARTIN TO GOV. CASWELL.

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[From Executive Letter Book.]

AUGUSTA, Jany. 29th, 1786.

SIR :

In May 1783, I had the Honor to be appointed Superintendent of Indian Affairs in the Cherokee Nation by and for the State of North Carolina at an Established salary of two hundred and fifty Dollars per Year in part of which I have received One Year's Salary.

You will much oblige me by issuing Warrants for the Balance due me and deliver them to the Bearer, William Blount.

Sometime in October I had the Honor to forward on to your Excellency all the Intelligence that I could obtain, since when nothing worth communicating has occurred, except what you will be informed of by the Agent for the State of North Carolina.

I have the Honor to be, Your Excellency's,

Most obedient and Humble Servant,

JOS. MARTIN.

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GOV. P. HENRY TO GOV. CASWELL.

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[From Executive Letter Book.]

VIRGINIA COUNCIL CHAMBER, Jany. 30, 1786.

SIR :

I am desired by the Assembly to communicate the enclosed Resolutions to you.

With Regard, I am Your Excellency's,  
Most obedient Humble Servant,  
P. HENRY.

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RESOLUTIONS OF VIRGINIA ASSEMBLY.

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[From Executive Letter Book.]

VIRGINIA, IN THE HOUSE OF DELEGATES,  
January 13, 1786.

Resolved, That the damages on foreign bills of Exchange protested ought to be the same in this State and the State of Maryland; and that foreign protested bills of exchange should be considered in all cases and to all purposes as of equal rank with debts upon Contract in writing signed by the party.

Resolved, That it is essential to the commerce and revenue of the State of Maryland, and of this State, that Duties on imports or exports (if laid) should be the same in both States, and that it is proper for the Legislatures of the said States at their annual meeting in the autumn, to appoint Commissioners to meet and communicate the regulations of Commerce and duties proposed by each State; and to confer on such subjects as may concern the Commercial Interests of both States, and within the power of the respective States, and that the number of the said Commissioners be equal, not less than three, nor more than five from each State; and that they annually meet in the third week of September if required by the Legislature of either State, or the Commissioners thereof, at such place as they shall appoint.

Resolved, That the said Resolutions shall be Communicated to

the Legislatures of all the States in the Union, and that they be requested to nominate Commissioners for the purposes expressed in the last resolution, and that His Excellency the Governor be requested to transmit immediately copies of the said Resolutions to those States.

Test: JOHN BECKLEY, C. H. D.

Agreed to by the Senate. H. BROOKS, C. S.

(A Copy.) Test: JOHN BECKLEY, C. H. D.

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HON. WM. BLOUNT TO GEO. OGG, ESQ.

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[From Executive Letter Book.]

AUGUSTA, January 30th, 1786.

MR. GEORGE OGG, SIR:

Herewith, I commit to your care Bonds & Accounts for thirteen hundred and thirty-three pounds, three shillings and ten pence of Sterling Money of the Kingdom of Great Britain due & owing from Bryan Ward, one third of which is payable in deerskins and furs on the first day of April next, and when paid I request you to have them Shipped in good Order to Philadelphia to the address of Stewart and Barr for, and on the account and risque of the State of North Carolina, Subject to my Order as her agent. The other two thirds will be due on the first day of April in the year 1787, which you will please also to receive in Skins, Furs or Tobacco at Augusta, that has been there inspected, and hold them in hand subject to further Order. I beg you to write to Mr. Ward and inform him that I have the utmost dependence on his punctuality.

I am Yours, &c., &c.,

WM. BLOUNT,

Agent for the State of North Carolina.

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ARTICLES OF A TREATY BETWEEN COMMISSIONERS OF UNITED STATES & THE SHAWANEE NATION.

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[From Executive Letter Book.]

JAN. 31ST, 1786.

ARTICLES OF A TREATY.

Concluded at the Mouth of the Great Miami, on the North Western bank of the Ohio, the 31st of January, One Thousand Seven hundred and Eighty-Six, between the Commissioners Plenipotentiary of the United States of America, of the one part, and the Chiefs and Warriors of the Shawanee Nation of the other part.

Article 1. Three Hostages shall be immediately delivered to the Commissioners, to remain in the Possession of the United States until all prisoners, white and black, taken in the late war from among the Citizens of the United States, by the Shawanee Nation, or by any other Indian or Indians residing in their Town shall be Restored.

Article 2. The Shawanee Nation do acknowledge the United States to be the sole and absolute Sovereigns of all the Territory Ceded to them by a Treaty of Peace, made between them and the King of Great Britain, the fourteenth day of January One Thousand Seven hundred and eighty-four.

Article 3. If any Indian or Indians of the Shawanee Nation or any other Indian or Indians residing in their towns, shall commit Murder or Robbery on, or do any Injury to the Citizens of the United States, or of any of them, that Nation shall deliver such Offender or Offenders to the Officer Commanding the nearest post of the United States, to be punished according to the Ordinances of Congress, and in like manner any Citizen of the United States who shall do any Injury to any Indian of the Shawanee Nation, or to any other Indian or Indians residing in their town, and under their protection, shall be punished according to the Laws of the United States.

Article 4. The Shawanee Nation having Knowledge of the Intention of any Nation or body of Indians to make war on the citizens of the United States, or of their counselling together for that purpose, and neglecting to give information thereof to the Com-

manding Officer of the Nearest Post of the United States, shall be considered as parties in such war, and be punished accordingly, and the United States shall in like manner inform the Shawanees of any Injury designed against them.

Article 5. The United States do grant Peace to the Shawanee Nation, and do receive them into their Friendship and Protection.

Article 6. The United States do allot to the Shawnee Nation lands within their Territory to live and hunt upon. Beginning at the fourth line of the lands allotted to the Wiandots and Delaware Nations, at the place where the main branch of the Great Miami which falls into the Ohio intersects said line, then down the River Miami to the fork of that River next below the old fort which was taken by the French in 1752, thence due West to the River de Lapanse, then down that River to the River Wabash, beyond which lines, none of the Citizens of the United States shall settle nor disturb the Shawanees in their settlement and possession, and the Shawanees to relinquish to the United States all title or pretence of title they ever had to the lands east, west and south of the east, west and south lines before described.

Article 7. If any citizen or citizens of the United States shall presume to settle up on the lands allotted to the Shawanees by this Treaty, he or they shall be put out of the protection of the United States.

In Testimony whereof, the parties have hereunto affixed their Hands and Seals the day and year just above mentioned.

Attest: ALEXANDER CAMPBELL,

Secretary to the Commissioners.

G. R. CLARKE, (L. S.)

RICHARD BUTLER, (L. S.)

SAML. N. PARSOM, (L. S.)

AWEECONYX, his (X) mark.

KAKAWIPILATHY, his (X) mark.

JOS. SUFFRIEN, his (X) mark.

KERNEPINO SHAWNO.

ISAAC ZANE, a Wiandot, his (X) mark.

THE HALF KING of the Wiandots, his (X) mark.

THE CRANE of the Wiandots, his (X) mark.

CAPT. PIPE, of the Delawares, his (X) mark.

CAPT. BOHONGEHELAS, his (X) mark.

TETIBOCKSHIEKA, his (X) mark.  
 THE BIG CAT of the Delaware, his (X) mark.  
 PIERRE DROULLAC.  
 MALUNTHY, his (X) mark.  
 MUSQUANCONOCAH, his (X) mark.  
 MEANYMSICAH, his (X) mark.  
 WAUPAUXONELA, his (X) mark.  
 NIHIPEENA, his (X) mark.  
 NIHINESSICOE, his (X) mark.

Witnesses :

W. Fenny, Maj. B. B.  
 Thos. Doyle, Capt. B. B.  
 Matt. McDowell, Ens.  
 Jno. Saffenger.  
 Henry Govey.  
 Kagg Galloway, his (X) mark.  
 John Hoggs.  
 Saml. Montgomery.  
 Danl. Elliott.  
 James Rinker.  
 Matt. Smith.

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DAVID RAMSEY, CHAIRMAN OF CONGRESS, TO GOV. CASWELL.

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NEW YORK, January 31st, 1786.

SIR :

In conformity to the resolution enclosed it becomes my duty to write to the Executives of the several States which are at present unrepresented in Congress.

Three months of the Federal year are now completed, and in that whole period no more than seven States have at any one time been represented. No question excepting that of adjourning from day to day can be carried without perfect Unanimity. The extreme difficulty of framing resolutions against which no exceptions can be taken by any one State, can scarcely be conceived but by those



whose unfortunate situation has led them to experience the perplexing embarrassment. Was the convenience of the present Members only concerned your Excellency would not have been troubled with this Letter. Sorry I am to add that the most essential interests of the United States suffer from the same cause. The languishing state of public Credit is notorious both in Europe and America. What an additional wound must be given to it when it is known that no plans can be made for the payment of our debts, without the unanimous consent of nine States and that only seven States have yet come forward with a representation. The disposition of our Western Territory, an American Coinage, Commercial arrangements with European Powers, particularly Great Britain, and a Variety of other matters are of immense and pressing importance, but for want of an additional number of States nothing can be done.

I forbear to mention to your Excellency that even in private life where two persons agree to meet at a given time and place for the adjustment of their common Concerns, the One who attends has a right to Complain, that he is not treated with Common politeness by the other who breaks his appointment. I say nothing of unequal Burden imposed on the States who are present, they incur a heavy expence to maintain their Delegates, and this expence is rendered inefficient because that out of the other six no two have come forward to concur with them in dispatching the public business. Least of all would I insinuate that the present States might be justified in Resolving that as they had attended three months to no purpose they would in their turn relinquish the public service and leave the other States, should they come on, to suffer a similar mortification to what they have long experienced of meeting and adjourning from day to day without having it in their power to enter on the most important and pressing National Business.

The remissness of the States in keeping up a representation in Congress naturally tends to annihilate our Confederation; that once dissolved our State's establishment would be of short duration, Anarchy or intestine wars would follow till some future Cæsar seized our Liberties, or we would be the sport of European politics and perhaps parcelled out as appendages to their General Governments.

In behalf of Congress, in the Chair of which have the Honor to sit, I beseech your Excellency by the regard you have for our federal Government to use your utmost endeavors to induce

the Delegates of your State to give their immediate attendance in Congress.

I have the Honor to be,  
Your Excellency's most obedient and  
Most Humble Servt.,  
DAVID RAMSEY.

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RESOLVE OF CONGRESS RESPECTING REPRESENTATIVES.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS, ASSEMBLED,  
January 30th, 1786.

On motion, Ordered that the Chairman write to the Executives of the States of Rhode Island, Delaware, Maryland, Virginia, North Carolina and Georgia, stating to them the inconveniences arising from a want of a sufficient number of States to proceed on the Business of the Union, and earnestly pressing them to send on their Delegates immediately.

CHAS. THOMSON, Secy.

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HON. CHAS. THOMSON TO HIS EXCELLENCY GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
February 1st, 1786.

(CIRCULAR).

SIR :

In obedience to the order of Congress I herewith transmit to your Excellency to be communicated to the Legislature, a State of the representation for the last month. I am sorry that this goes unaccompanied with any Journals of the proceedings of Congress, so few States have attended that for these three months past, little has been done besides adjourning from day to day.

On the 30th last month the States present, impressed with the

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urgency and importance of the several objects of general concern, which demand the immediate attention of the United States in Congress Assembled have directed their Chairman to write to the Executives of the States of Rhode Island, Delaware, Maryland, Virginia, North Carolina and Georgia, to state to them the inconveniences arising from a want of a sufficient number of States to proceed on the business of the Union, and earnestly press them to send on their Delegates immediately.

With the greatest respect I have the honor to be,

Your Excellency's most obt. & most Humble Servt.,

CHAS. THOMSON.

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HON. JAS. WHITE TO GOV. CASWELL.

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[From Executive Letter Book.]

CHATHAM COUNTY, 1st February, 1786.

SIR :

Your Excellency's Commission to Congress, was handed to me by one of the Members for this County. Perhaps it may be expedient to have your Warrant for the appointment. I beg to be informed and have sent my servant to bring your Instructions. If your Excellency will honor me with any commands to the Northward they shall be executed with the utmost attention.

I am Sir, your respectful & obedient Servant,

JAS. WHITE.

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NATH. KEAES TO GOV. CASWELL.

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[From Executive Letter Book.]

WASHINGTON, Feby. 2nd, 1786.

SIR:

I sometime last summer inclosed your Excellency a Copy of the account of duties received which I had furnished the Treasurer.

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But as Mr. Hunt furnished me with a form how accounts should be made out I have drawn it, but from the 4th of July, 1784, to the 4th of December, 1785, to which date I have brought the enclosed. Would thank you to destroy the other or enclose it to me.

I am with due respect,

Your Excellency's very Humble Servt.,

NATH. KEAES.

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GOV. CASWELL TO NAVAL OFFICER, PORT CURRITUCK.

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[From Executive Letter Book.]

KINGSTON, Feby. 2nd, 1786.

SIR:

Enclosed is a proclamation prohibiting the exportation of Grain which you will be pleased to attend to, so far as relates to your line of Duty, and have the same put up at the Court House, or some other public place.

I am Sir,

Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO JAMES HINDMAN.

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[From Executive Letter Book.]

KINGSTON, 2nd Feby., 1786.

SIR:

On application of the Comptroller, I laid a representation of his, respecting the state, and arrangement of his office, and the propriety of his removing the same office to New Bern, in order to settle the accounts of this State with the United States. With you before the Council, it appeared to them, that it will be necessary on such settlement for you to have recourse to very many Books, Papers and Vouchers, which are lodged in the Comptroller's office

here, properly arranged and in files, which by a removal will be greatly deranged, and make it very inconvenient and troublesome to the Comptroller at another place. Added to this, that where he is his office must be, as little business can be done when he is not present, and none authenticated without his signature. That the Salaries allowed his Clerks are moderate, and on account of the cheapness of their living here, they have been engaged. And on the removal of the Office to New Bern they cannot be prevailed on to continue, whereby he would be deprived of the assistance of those who from years experience can best serve the public. And it is doubtful if he will be able to get others at New Bern for what he is allowed by Law for Clerks. The Comptroller's Family is here, and of course, it will be much more agreeable and convenient for him to continue his business at this place. For these reasons the Council have advised me to recommend it to you to attend at this place to do business and I am satisfied these accounts will be settled with much more facility here, than they possibly can elsewhere as the office now is. A single paper amongst a very great number can be taken out at once, but when they come to be deranged it will require much time to put them again in order. Besides very large sums are lodged here in Certificates and Continental Money, the removal of which will be attended with so much risk, and the security elsewhere may not be so well guarded.

I cannot pretend to recommend this place for its accommodations or the politeness of the company usually here, but I will venture to say, the air is pure and healthy, the water good and the provisions wholesome. And that for a man who is to set down to Business it is far preferable to the place where your office now is, and not so far distant from New Bern, but some of the luxuries of that Town may be easily had here.

Capt. Childs says you intimated the necessity of your being near the post office on account of receiving from or sending dispatches to the Board of the Treasury. This I hope will not prevent your coming here, as an Express can be regularly sent to the post office weekly, which I will engage shall be done without any expence to you, or the States.

The settlement of this business is a very desirable object with every thinking man in the State. And I most earnestly recommend to you to take a ride up. I am convinced if you were to see the

place, and the state of the Office, that you would be induced to attend at this place.

With the greatest respect and esteem,

I have the honor to be Sir,

Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO JUDGE ASHE.

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[From Executive Letter Book.]

KINGSTON, Feby. 2nd, 1786.

DEAR SIR :

I have the honor to enclose you a Commission of Oyer and Terminer, and general Gaol delivery, for holding a Court in Sampson, which has issued by advice of the Council, on the application of sundry of the Justices and others in that County, suggesting that there are in custody there, sundry atrocious offenders, particularly in the Business of horse stealing, who probably might escape Justice, if this mode was not pursued. I hope it may be agreeable to you and that you can attend with convenience.

With great respect and esteem, I am Sir,

Your mo. ob. humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. CHAS. THOMSON.

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[From Executive Letter Book.]

KINGSTON, Feby. 6th, 1786.

SIR :

I had the honor to receive two letters from you of the 3rd Decr. last, one enclosing an Act of Congress recognizing John Temple, Esqr., as Consul General of his Brittanic Majesty, throughout the United States, and the other a list of the States, represented in Con-

gress from the meeting on the first Monday in November to the end of the month.

With great respect, I am Sir,  
Your mo. ob. humble Servt.,  
R. CASWELL.

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GOV. CASWELL TO DOCTOR JAMES WHITE.

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[From Executive Letter Book.]

KINGSTON, 6th February, 1786.

SIR :

Your favor of the first Inst. I have received and in conformity to your request enclosed is a warrant on the Treasury for £256, the allowance of the public for four months. The Gentlemen who have engaged to go on this service, have generally proposed staying six months and have been usually allowed one month to go and another in returning, and have drawn warrants for half that service before setting out. The other half has been drawn for in their absence on the application of agents appointed by them to receive and remit the same. I have therefore pursued this mode in respect to your allowance. And you may rely on my furnishing such person as you shall advise me, with warrants for the remainder, on his application. I am much obliged to you for the tender of services ; at present I have nothing to commit to you. In future I shall wish to correspond with you, especially whilst you are at Congress. The interest of the State will make that necessary, and inclination will also induce me to it. If in the course of which I may have anything particular to trouble you with, independent of public business, I will take the liberty of troubling you with the same.

You will oblige me by informing me of the time of your setting out, and how long you propose staying in Congress, as this may govern me in my requisitions respecting the attendance of other Gentlemen.

With great respect and esteem,  
I have the honor to be, Sir,  
Your mo. ob. humbl. Servt.,  
R. CASWELL.

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GOV. CASWELL TO HON CHAS. BRUCE, ESQ.

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[From Executive Letter Book.]

KINGSTON, Feby. 6th, 1786.

SIR :

Mr. William Fields informs me you have as Commissioner, for the Sale of Confiscated Estates, in the District of Salisbury, advertised the sale of sundry Tracts of land lying in Rowan, Surry and Randolph, which were before the late war his property, and by him conveyed to his sons, tho' the Deeds were not acknowledged or proved until his return to this State.

The Deeds from him and his Wife to his sons, with the Resolutions of the General Assembly respecting his lands with an order of Randolph Court, he has laid before me, from whence I am induced to believe those lands ought not to be sold as Confiscated property, because, if the Deeds from him and his wife to his sons are judged to be fraudulent, then the order of Randolph Court in pursuance of the Resolution of the Assembly, restores the lands, which were his, not sold to him, and altho' every necessary step, may not have been regularly taken to establish the title in him, yet these Documents shew the intention of the Assembly, and in my opinion the Lands ought not to be sold. . However, in this you must pursue the mode pointed out by Law as I would not be understood to mean to contravene it; on the Contrary, I wish the intention of the Assembly to be attended to; and as I said before, it clearly appears to me, they intended the Court of Randolph should determine respecting Mr. Fields' Lands, and of course their determination ought to govern. Was it my own case as Commissioner I should certainly defer the sales until I received the particular orders of the Assembly on that subject.

I am Sir, with great esteem,

Your most obedient Servt.,

R. CASWELL.



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HON. WM. BLOUNT TO GOV. MOULTRIE OF SOUTH CAROLINA.

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[From Executive Letter Book.]

CHARLESTON, February 7th, 1786.

SIR :

By the enclosed Certificate your Excellency will be informed that Colo. Arnoldus Vanderhorst is bound to pay into your Treasury a duty on sundry dry goods and rum. These dry goods and rum are the property of the State of North Carolina and were Shipped by order of that State from Washington to the address of Col. Vanderhorst with directions to him to forward them to me at or near Fort Rutledge, there to be disposed of to the Cherokee Indians for the use of the State. The Imposition of duties on the property of either of the States being repugnant to the Confederation, I request your Excellency to give the necessary Orders to the Officers of the Customs to discharge Colo. Vanderhorst from his obligation for the duties aforesaid charged on the said Goods and rum.

I have the Honor to be,

Your Excellency's most obt. Humble Servt.,

WM. BLOUNT,

Agent for the State of North Carolina.

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A. VANDERHORST ENTERS PER BRIG POLLY, CAPT. WILLIAM  
MCDANIEL, FROM WASHINGTON, NORTH CAROLINA.

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[From Executive Letter Book.]

TREASURY OFFICE, 23d Sept., 1785.

No. 1 to 12..... 12 Hogsheads dry Goods.

13.... 1 Bale ditto.

1 to 6..... 6 Hogsheads rum, 737 Galls.

I promise to see the entry made and duty secured on the above goods as soon as the Cash comes to hand.

A. VANDERHORST.

Copy from the Original in the Treasury, Feby. the 7th, 1786.

PETER BOIQUET.

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HON. WM. BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

March 2nd, 1786.

Disposition of six hogsheads of rum shipped from Washington to Charleston for and on the Account and risque of the State of North Carolina, containing 737 Gallons, shipped in September last by Order of Government :

To Bryan Ward, 1 Hogshead at  $1\frac{1}{2}$  dollars per Gallon at Hopewell, to be paid for in like manner as the dry goods.

To George Ogg, 1 Hogshead at the same place & terms.

1 ditto the Head bursted in Charleston.

3 ditto re-shipped to Washington and are arrived and stored with John G. and Thomas Blount.

The particular quantity that was contained in the Hogshead sold Ward and Ogg could not be ascertained at that time for the want of proper measures.

WM. BLOUNT.

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JOHN JAY TO HIS EXCELLENCY GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE FOR FOREIGN AFFAIRS,  
13th January, 1786.

(CIRCULAR.)

SIR :

In obedience to the order of Congress I have the Honor of transmitting to your Excellency herewith enclosed, a Copy of an Ordinance of his Catholic Majesty of 28th May last, directing what flags should in future be used by the Navy and Merchant Ships of Spain, with a Design of those Flags annexed.

I have the Honor to be with great respect,

Your Excellency's Most obt. Humble Servt.,

JOHN JAY.

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SPANISH FLAGS.

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[From Executive Letter Book.]

## DECREE OF THE KING.

To avoid the inconveniences and prejudices which it appears from Experience may be occasioned by the National Flag used by my Navy and other Spanish Vessels, not being distinguishable from each other at a great Distance, or in calm weather from those and other Nations, I have resolved that for the future my Ships of War shall use a Flag divided in its Breadth into three Stripes, the upper and lower one shall be red and the Width of each shall be a fourth part of the whole; the middle shall be yellow, and in it shall be placed the Scutcheon of my Royal Arms reduced to the two Quarters of Castile and Leon with the Royal Crown over it, and the Pendant with the same three Stripes and the Scutcheon at Large on a Square of Yellow in the upper part and that all other Vessels use, (without the Scutcheon) the same Colors, the middle stripe being Yellow, and in Breadth the third part of the Flag, and each one of the remaining parts being divided into two equal Stripes, red and yellow alternately, the whole according to the annexed Design.

No other Flags shall be used in the Northern Seas for Europe to the Latitude of Tenerife in the Ocean and in the Mediterranean, of the first of the year, 1786. In North America after the Beginning of July following, and in the other Seas after the first of the year, 1787. Let this be understood that it may be observed. Signed with the Hand of His Majesty at Aranjues the twenty-eighth day of May, 1785, A. D.

ANTONIO VALDES.

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EDWARD BRIDGEN TO HIS EXCELLENCY JNO. ADAMS, ESQUIRE.

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[From Executive Letter Book.]

February 14th, 1786.

SIR :

I take the liberty to send for your Excellency's perusal the enclosed letter from me to the Governor of North Carolina, requesting the favor of you Sir, to forward the same to Dr. Franklin, and if it meets your approbation to request the Dr. to recommend it to the consideration of the Governor, Senate and Assembly of that State, with any addition or subscription in my favor which you Sir, may please to honor me with and thereby very Oblige.

Your Excellency's faithful and Obedient,

Humble Servant,

EDWARD BRIDGEN.

---

HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS, February 15, 1786.

(Circular.)

SIR :

I have the honor of forwarding to your Excellency herewith enclosed an Act of the United States in Congress Assembled, respecting the system of a general revenue recommended in the Act of the 18th of April, 1783, and a Schedule of the French and Dutch loans shewing the periods of their redemption with annual Interest payable thereon, until their final extinction, for which provision is yet to be made. I also, enclose a Copy of an Act of the 18th of April, 1783.

As the United States in Congress assembled are exceedingly anxious that the several States should come to a decision on this subject as soon as possible, Your Excellency I hope will take the earliest opportunity

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of laying the enclosed papers before the Legislature of your State.

With the greatest respect I have the honor to be

Your Excellency's most obedient and

Most humble servant,

CHAS. THOMSON.

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RESOLVES OF CONGRESS ON SYSTEM OF GENERAL REVENUE.

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[From Executive Letter Book.]

UNITED STATES IN CONGRESS ASSEMBLED,

February 15, 1786.

The Committee consisting of Messrs. King, Pinckney, Kean, Monroe and Pettit to whom were referred several reports and documents concerning the system of general Revenue, recommended by Congress on the 18th of April, 1783,

Report, That in pursuance of the above reference they have carefully examined the acts of the several States, relative to the general system of revenue recommended by Congress on the 18th of April, 1783, and find that the States of Delaware and North Carolina have passed acts in full conformity with the several parts thereof; the former of which States has inserted a provision in their act restraining the operation thereof until each of the other States shall have made a like and equally extensive grant; that the States of New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia and South Carolina, have each passed acts complying with that part of the system, which recommends a general impost, but have come to no decision on the other part, which proposes the establishment of funds, supplementary to, and in aid of the general impost; that the State of Pennsylvania has passed an Act complying with the recommendation of the general impost, and in the same Act has declared that their proportion or quota of the supplementary funds shall be raised and levied, on the persons and estates of the Inhabitants of that State in such manner as the Legislature thereof shall from time to time direct, with this proviso: That if any of the annual proportion of the supplementary funds shall be otherwise raised and paid to the United States, then such annual levy or tax shall be

discontinued; the committee conceive that this Clause is rather an engagement that Pennsylvania will provide adequate supplementary funds than an Actual establishment thereof, nevertheless, the Act contains a proviso restraining its operation, until each of the other States shall have passed laws in full conformity with the whole of the revenue system aforesaid; the committee farther find that the State of Rhode Island has passed an Act on this subject, but so different from the plan recommended, and so wholly insufficient, that it cannot be considered as a compliance with any part of the system submitted for their adoption; that the State of Maryland passed an Act in 1782, and a supplement thereto in 1784, complying with the recommendation of Congress of the 3d February, 1781, which recommendation is not compatible with, and was relinquished by the resolves of Congress of the 18th of April, 1783; but that neither the State of Maryland, New York nor Georgia, has passed any Act in pursuance of the system of the 18th of April, 1783.

From this statement it appears that seven States, viz: New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina and South Carolina have granted the impost in such manner, that if the other six States had made similar grants the plan of the general impost might immediately begin to operate; that two other States, viz: Pennsylvania and Delaware, have also granted the impost, but have connected their grants with provisos, which will suspend their operation until all the other States shall have passed laws in full conformity with the whole of the Revenue system aforesaid; that two only of these nine States, viz: Delaware and North Carolina have fully acceded to that system in all its parts; and that the four other States, viz: Rhode Island, New York, Maryland and Georgia have not decided in favor of any part of the system of revenue aforesaid, so long since, and so repeatedly presented by Congress for their adoption. The Committee have thought it their duty candidly to examine the principles of this system, and to discover if possible the reasons which have prevented its adoption; they cannot learn that any Member of the Confederacy has stated or brought forward any objections against it, and the result of their impartial enquiries into the nature & operation of the plan, has been a clear and decided opinion, that the system itself is more free from well founded exceptions, and is better calculated to receive the

approbation of the several States than any other that the wisdom of Congress can desire.

In the course of this enquiry it most clearly appeared, that the requisitions of Congress for eight years past have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive that a reliance on them in future as a source from whence monies are to be drawn to discharge the engagements of the confederacy, definite as they are in time and amount would not be less dishonorable to the understanding of those, who entertain such confidence, than it would be dangerous to the welfare and peace of the union; the Committee are therefore seriously impressed with the indispensable obligation that Congress are under of representing to the immediate and impartial consideration of the several States, the utter impossibility of maintaining and preserving the faith of the federal government by temporary requisitions on the States, and the consequent necessity of an early and complete accession of all the States to the revenue system of the 18th of April, 1783.

Although in a business of this magnitude and importance to the respective States, it was natural to expect a due degree of caution, and a thorough investigation of the system recommended, yet the committee cannot forbear to remark, that this plan has been under reference for nearly three years; that during that period numerous changes have taken place in the delegation of every State, but that this system has received the repeated approbation of each successive Congress, and that the urgency of the public engagements at this time, renders it the unquestionable duty of several States to adopt without further delay those measures, which alone in the judgment of the Committee, can preserve the sacred faith of this Confederacy.

The following state of facts must convince the States of the propriety of urging this system with unusual anxiety at this period.

|                                                       |            |            |
|-------------------------------------------------------|------------|------------|
| That the sum necessary to discharge the Interest on   | Dol.       | 9ths.      |
| loans of the King of France to 1st Jany., 1787..      | 240,740.60 |            |
| For Interest on Certificates to Foreign Officers made |            |            |
| payable to France to 1st Jany., 1787... ..            | 22,370.00  |            |
| For interest on the Spanish loan to 21st March, 1787  | 48,596.55  |            |
| For interest on the Dutch loans to 1st Jan., 1787...  | 265,600.00 |            |
|                                                       |            | 577,307.25 |

That although some of the objects of disbursement are in the year 1787, the periods at which they become due, will shew the absolute necessity of an immediate provision for them.

That notwithstanding some of the above sums do not fall due until 1787, yet, exclusive of the same there will be due on the French and Dutch loans in that year 1,252,938 dollars and 57-90ths and during the nine succeeding years, that is until the year 1797, including the payment of the interest and the partial reimbursements of the Capitals of the French and Dutch loans, the average sum of near one Million of Dollars annually; for the certain obtaining of which, at fixed periods, effectual measures can no longer be delayed; more fully to illustrate this subject, the committee annex a Schedule of the French and Dutch loans, shewing the periods of their redemption, with the annual interest payable thereon until their final extinction; in addition to the above foreign demands, the Interest on the Spanish loans and on the debts due to foreign officers, must be provided for and annually paid; the amount of these annual demands will be greatly increased by adding the annual interest on the domestic debt, the whole of which is not yet liquidated, and the aggregate whereof will Consequently be enlarged beyond its last estimate.

The Committee contemplate with great satisfaction, the prospect of extinguishing a part of the domestic debt by the sales of the western territory of the United States; but a considerable time must elapse before that country can be surveyed and disposed of; and the domestic creditors, until that event, must depend for support on the Justice of their Country; the revenue system if adopted would afford this support, and enable Congress to fulfil the public engagements with their foreign creditors, the whole product of this system is appropriated for the payment of the principal and interest of the national debt, and no part thereof can be diverted to other purposes.

That it has been the earnest wish of Congress to prevent the accumulation of foreign Interest that now exist, appears from their estimates and requisitions of the 27th April, 1784, and the 27th Sept. 1785, and the following abstract taken from the books of the treasury, of the amount of monies brought into the federal treasury in the course of the four last years, viz: Between the 1st of November, 1781, and the 1st January, 1786, will shew the little success of



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requisitions, and demonstrate the inadequacy of their products to maintain the federal government and at the same time to discharge the annual public engagements.

|                                                         |              |
|---------------------------------------------------------|--------------|
| The receipts of taxes from the first of November, 1781, | dol. 90ths.  |
| to the 1st November, 1784, amount to.....               | 2,025,089.34 |
| From the 1st November, 1784 to the 1st of January,      |              |
| 1786 .....                                              | 432,897.81   |
| Total .....                                             | 2,457,987.25 |

Thus it is evident that the sum of 2,457,987 dollars and 25-90ths only was received in a space of more than four years, when the requisitions in the most forcible manner pressed on the States the payment of much larger sums, and for purposes of the highest national importance. It should be here observed that the receipts of the last fourteen months of the above period amounts only to 432,897 dollars and 81-90ths which is at the rate of 371,052 per annum, a sum short of what is essentially necessary for the bare maintenance of the federal government on the most economical establishment, and in time of profound peace.

The Committee observe with great concern, that the security of the navigation and commerce of the Citizens of these States from the Barbary powers, the protection of the frontier inhabitants from the savages, the immediate establishment of Military magazines in different parts of the Union, rendered indispensable by the principles of public safety, the maintenance of the federal government at home, and the support of the public servants abroad, each and all, depend upon the contribution of the States under the annual requisitions of Congress. The monies essentially necessary for these important objects, will so far exceed the sums formerly collected from the States by taxes, that no hope can be indulged of being able, from that source, to make any remittances for the discharge of foreign engagements.

Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the committee are of opinion, that it has become the duty of Congress to declare most explicitly, that the Crisis has arrived when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide whether they will support their

rank as a nation, by maintaining the public faith at home and abroad; or whether for want of a timely exertion in establishing a general revenue and thereby giving strength to the Confederacy, they will hazard not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously and so honorably contended.

Resolved, That Congress agree to the report.

And to the end that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent;

Resolved, That the requisitions of Congress of the 27th April, 1784, and the 27th of September, 1785, cannot be considered as the establishment of a system of general revenue, in opposition to that recommended to the several States by the resolves of Congress of the 18th of April, 1783.

Resolved, That the resolves of Congress of the 18th of April, 1783, recommending a system of general revenue, be again presented to the consideration of the legislatures of the several States, which have not fully complied with the same; that it be earnestly recommended to the legislatures of New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina which have complied only in part with the said system, completely to adopt the same; and to the legislatures of the States of Rhode Island, New York, Maryland & Georgia which have not adopted the said system, either in whole or in part, to pass laws without further delay, in full conformity with the same. But as it is highly necessary that every possible means should in the most expeditious manner be obtained to the revenue of the United States, it is therefore recommended to the several States, that in adopting the said system they enable the United States in Congress assembled, to carry into effect that part which relates to the impost so soon as it shall be acceded to.

Resolved, That whilst Congress are denied the means of satisfying those engagements, which they have constitutionally entered into for the common benefit of the Union, they hold it their duty to warn their constituents that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and

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a violation of those principles of Justice which are the only solid basis of the honor and prosperity of the nation.

CHAS. THOMSON, Secy.

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A. MACLAINE TO GEORGE HOOPER.

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[From Executive Letter Book.]

WILMINGTON, 9th Febr., 1786.

MY DEAR SIR :

Captain Swaine arrived here yesterday afternoon, after a passage of 12 or 14 hours. By him I received your letter, (but no newspapers) and what you sent to Kitty.

The bad weather, Job's indisposition, and the failure of the chair, are additional evils to those which you might expect. Your riding on horse-back, and I suppose upon Job's saddle must have completed your travelling misfortunes. I long for Withers on more accounts than one. My wine is almost out, & he expected to sail so soon that I fear you will not be able to procure that article in time to send by him.

Last night I had a letter from Hay, a pretty long one, written with very bad ink and the writing part not the very best. It was accompanied by money, consisting of paper, silver and gold, with a request that I would influence his intended cousin (Mrs. H.) to lay it out in something proper to present to his intended bride. This important matter was determined, and the time fixed upon, after Hay's letter was begun, and before it was concluded. The first part is therefore querulous, owing to the undecisive conduct of the colonel. The inextricable knot is to be tied about the 18th or 20th and I am pressed by Mr. Hay in the most flattering and friendly manner to be present; but considering how much business is now before me, and how many different things require a personal attendance, it is impossible for me to leave home without ruin.

Mr. Hay informs me that he expects Mr. Rowan will be able to lay out the whole £36,000 in tobacco at 50/. None, it is said, has been offered at Halifax or Tarborough; at the former the merchants offer 25/ and it is said to be 50/ at New Bern.

Colonel Davie of Halifax congratulates me on the rising of the most i—f—s assembly that ever disgraced a country.

Archy is in high spirits about your letter, which he will not suffer to be profaned by vulgar eyes. He behaves as well as can be expected, considering who is his schoolmate. I have taken the necessary steps to collect the trustees of the academy the beginning of April, & in the mean time, shall have the requisite security given.

We are to have a grand entertainment for General Howe on Saturday. I take it for granted that the parade necessarily attendant on this important business, will be as grateful to the General, as the smoke of incense in the days of yore, to the gods of Greece & Rome.

Yours with affectionate esteem,

A. MACLAINE.

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HON. EDMUND RANDOLPH TO GOV. CASWELL.

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[From Executive Letter Book.]

RICHMOND, VIRGINIA, Feby. 19th, 1786.

SIR :

I do myself the honor of transmitting to your Excellency the enclosed resolution of the Commissioners thereby appointed who have instructed me to open the communication which it directs with the several States. It is impossible for me to decide how far the uniform system in commercial regulations, which is the subject of that resolution, may or may not be attainable. I can only venture to declare that the desire of such an arrangement arose from a regard to the federal interests.

The commissioners of Virginia have therefore only to request the concurrence of your State, and to propose the first Monday in September next as the time, and the City of Annapolis for the meeting of the different deputies.

I have the honor Sir to be,

Your Excellency's most Obt.,

EDMUND RANDOLPH.

HIS EXCELLENCY JNO. ADAMS TO BENJ. FRANKLIN RESPECTING  
E. BRIDGEN.

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[From Executive Letter Book.]

GROSVESNOR SQUARE, WESTMINSTER,  
February 20th, 1786.

SIR :

At the request of Mr. Bridgen I have the honor to enclose to you his letter to the Governor of North Carolina and his letter to me of the 14th Instant.

As Mr. Bridgen desires some Certificates from me, I am happy to say that from his Universal Reputation and from all I have ever known of him, he has uniformly been an advocate for America and the friend of her principles and Cause. As your Excellency has a longer and More particular Acquaintance with him, I dare say your Certificate will be more ample in his favor.

With great respect I have the honor to be,  
Your most obedient and humble Servt.,  
JOHN ADAMS.

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GOV. CASWELL TO GOV. PATRICK HENRY

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[From Executive Letter Book.]

KINGSTON, 22 Feby., 1786.

SIR :

I had the honor to receive your letter of the 30th Ult., enclosing Resolutions of the Legislature of Virginia respecting Foreign Bills of Exchange and Duties, which shall be laid before the General Assembly of this State in their next Session.

I have the honor to be with great respect Sir,  
Your mo. ob. humbl. Servt.,  
R. CASWELL.

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GOV. CASWELL TO HON. CHAS. THOMSON.

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[From Executive Letter Book.]

KINGSTON, 22nd Feby., 1786.

SIR :

I have been honored with your letter of the 3rd of January last, enclosing a list of the representation of the States in Congress for the month preceding the date.

Also, your letter of the 12th January, enclosing a Copy of your Report of the 4th of that month.

As these are proper for the consideration of the Legislature they shall be laid before that Body early in their next Session.

I am with great respect Sir,

Your mo. ob. humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO JOHN JAY.

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[From Executive Letter Book.]

KINGSTON, 22nd Feby., 1786.

SIR :

I had the honor to receive your letter of the 10th Ult., enclosing an Act of Congress recognizing the Sieur de la Forest as Vice Consul of his most Christian majesty in the United States, which shall be notified in the usual way to the Citizens of this State.

I have the honor to be,

With great respect Sir,

Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO CHARLES JOHNSTON.

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[From Executive Letter Book.]

KINGSTON, 22nd February, 1786.

DEAR SIR :

Your favor of the 14th Ulto. I have received. Your former letter was laid before the General Assembly, but neither that nor my earnest solicitations were sufficient, to induce that Honorable Body to make the necessary provision for the Delegates.

As to the arrangement of the Delegates, 'tis impossible for me to inform you. I believe I before observed Mr. Blount and Mr. Bloodworth had informed me, they intended to go on, but I do not learn that either of them are gone. Mr. Cumming and Dr. White were elected to supply the places of Mr. Spaight and Mr. Osborne, who have resigned. Whether either of them will go I know not, Dr. White wrote me he intended to go. All these Gentlemen have been furnished with Commissions and Drafts on the Treasury for £256 each, and that sum I am advised by the Council to grant you warrants for. They thought it would be improper to issue warrants in your favor for a greater sum than was granted to each of the other Gentlemen. These warrants with the Commissions, if agreeable to you, shall be forwarded with any information I can give, respecting the several matters you mentioned on your signifying your pleasure herein.

There are six gentlemen in the Delegation for the present and succeeding years, and it has been usual for the Gentlemen themselves to settle the arrangements. I most heartily wish the gentlemen would do it now, so as three of them might be in their places in Congress as soon as possible, for I find by the returns for last month many days Congress could not proceed on business for want of a sufficient number of the States being represented. Not one from Rhode Island, Delaware or North Carolina, and only one from Virginia attending.

I shall be happy in hearing further from you on this subject, as soon as possible, and with great respect and esteem,

I am Dear Sir, your mo. ob. Servt.,

R. CASWELL.

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ARTHUR LEE, SAMUEL OSGOOD & WALTER LIVINGSTON TO  
GOV. CASWELL.

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[From Executive Letter Book.]

BOARD OF TREASURY, February 22nd, 1786.

(Circular)

SIR :

We do ourselves the Honor of transmitting to your Excellency, for the information of the Legislature of the State in which you preside, a particular statement of the Contingent Expenditures of the United States from the first of January to the 31st December, 1785.

We have the Honor to be,

Your Excellency's obedt. humble servants.,

SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

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EXPENDITURES UNDER THE GENERAL HEAD OF CONTINGENCIES  
FROM THE 1st DAY OF JANUARY TO THE 31st DECR , 1785.

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[From Executive Letter Book.]

Payment of old Accounts. 1785.

|          |                                                                                                                                                                                                                                                                                                                    |          |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Feb. 24. | Sedediah Leeds & Company by Warrant drawn by the President of Congress this day, in pursuance of an Act of same date, in discharge of a Judgement obtained by them by Capt. John Barry, at a Superior Court held at New London, in the State of Connecticut, 4th Sept., 1784, for 5,063.6.11 Livres Hispa. . . . . | 613.66   |
| Mar. 22. | Colonel Lewis Atayataghrona in payment of two Certificates, Nos. 64,457 & 67,458 in his favor, principal and Interest given him by the Paymaster General for his services; done by Act of Congress of the 21st Instant. . . . .                                                                                    | 1,075.88 |



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Doctor Pellou in pursuance of an Act of the<br>21st Instant.....                                                                                                                                                                                                                                                                                                                                                                                  | 60.00    |
| Francis Carbonneaux by Warrant of the Presi-<br>dent of Congress dated the 4th Inst., pursuant<br>to an Act of the same date.....                                                                                                                                                                                                                                                                                                                 | 300.00   |
| 31. Jonas Smith, Dy. Commissary of Purchasers,<br>for the amount of sundry provisions purchased<br>by him as settled by Jona'n Burwell and paid<br>by the special Act of Congress of the 21st of<br>March last. ....                                                                                                                                                                                                                              | 2,516.68 |
| Capt. Pierre Ayotte, a Canadian, on account<br>of the Balance that may be found due him,<br>drawn by the President pursuant to the Act of<br>Congress 24th February, 1785.....                                                                                                                                                                                                                                                                    | 300.00   |
| The Estate of Peter Summers, deceased, being<br>the amount of principal & Interest of sundry<br>Certificates cancelled at the Treasury that were<br>issued by Benjamin Stelle, Commissioner for<br>Pennsylvania, in favor of said Summers & paid<br>by the Executors for Beef sold, being part of<br>the Specific Supplies from the State of Mary-<br>land, the Executors availing the Estate of the<br>Act of Congress of the 3d June, 1784..... | 1,552.01 |
| May 21. William Denning for this sum paid him being<br>the balance of an order drawn by the late<br>Superintendent of France, on Thomas Tillot-<br>son, Receiver for New York, for pay due him<br>as one of the Commissioners of the former<br>Board of Treasury & paid on the principle of<br>the Act of Congress, ordering the payment of<br>the Civil list arrearages.....                                                                     | 2,492.69 |
| May 25. Arthur Lee, Esquire, for his services & ex-<br>pences as corresponding Agent for the United<br>States in London pursuant to the Act of Con-<br>gress of the fourth of March last.....                                                                                                                                                                                                                                                     | 1,977.70 |
| June 1. Monsr. de Marbois, Administrator to the Es-<br>tate of Colo. Malmady, deceased, for interest                                                                                                                                                                                                                                                                                                                                              |          |

|                                                                                                                                                                                                                                                                                                                    |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| on part of an Account certified to his Administrators, paid on the principle of the Act of Congress of the 3d February, 1784.....                                                                                                                                                                                  | 170.00   |
| 3. James Byers, in pursuance of an Act of Congress of 13th April last, in payment of a debt that had been certified by the Register on Interest .....                                                                                                                                                              | 4,104.77 |
| Samuel Parsons, for Parsons, Alston & Co., of Martinique, in pursuance of an Act of Congress 12th April last, being in payment of the Schooner Fame, captured on her passage from Martinique with dispatches to Congress, for monies advanced by them to American prisoners, and for interest arising thereon..... | 4,885.88 |
| 6. Captain Peter Landais, the amount of his claim for his services in the Navy, pursuant to Act of Congress 2nd Inst.....                                                                                                                                                                                          | 4,498.88 |
| 9. His Excellency Governor Clinton, for supplies furnished by Wm. Paulding, for which he was personally obligated in payment. Done by Order of Congress 17th March last....                                                                                                                                        | 3,266.66 |
| 23. Major B. Vanhur, late a Capt. of Light Dragoons for so much in part payment for a Certificate No. 83,621, issued to him by the paymaster General to enable him to return to his Native Country, agreeably to an Act of Congress 15 Feby, 1785.....                                                             | 500.00   |
| John Franklin, being for his services as a guide from 10th October, 1779, to the 4th April, 1780, as per Act of Congress 15th April, last....                                                                                                                                                                      | 117.30   |
| 24. Joshua Coit, late Clerk in the Secretary's office for principal & Interest of a Certificate heretofore issued to him for his services & paid on the principle of the Act of Congress, ordering the payment of the Civil list.....                                                                              | 160.21   |
| Patrick Ferrell, Assignee of Samuel Warren, for his pay as Dy. Commissary of Prisoners to                                                                                                                                                                                                                          |          |

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|                                                                 |           |
|-----------------------------------------------------------------|-----------|
| Southern Army from 31st May, 1782, to 26th<br>Feby., 1783 ..... | 597.88    |
| Carried on .....                                                | 29,190.21 |

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GOV. PATRICK HENRY TO GOV. CASWELL.

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[From Executive Letter Book.]

RICHMOND, Feby. 23, 1786.

SIR :

The General Assembly have appointed Edmund Randolph, James Madison, junr., Walter Jones, St. George Tucker, Merewether Smith, David Ross, William Ronald & George Mason, Esqrs., Commissioners to meet others from the different States in the Union at a time and place to be agreed on for the purpose of framing such regulations of Trade as may be judged necessary to promote the general interest.

I have to request your Excellency's attention to this subject and that you will be pleased to make such communications of it as may be necessary to forward the views of this Legislature.

I am with great regard,

Your Excellency's obedient Servant,

P. HENRY.

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RESOLVES OF THE VIRGINIA ASSEMBLY ON COMMERCIAL REGULATIONS.

---

[From Executive Letter Book.]

VIRGINIA, IN THE HOUSE OF DELEGATES,

January 21, 1786.

Resolved, That Edmund Randolph, James Madison, Walter Jones, Saint George Tucker, Merewether Smith, David Ross, William Ronald, and George Mason, Esquires, be appointed Commissioners to meet such Commissioners as may be appointed by the other States in the

Union at a time and place to be agreed on to take into Consideration the trade of the said States, to examine the relative situation and trade of the United States; to consider how far any uniform system in their commercial regulations may be necessary to their common Interest and permanent harmony, and to report to the several States such an Act as relative to this object as when unanimously ratified by them will enable the United States in Congress assembled, effectually to provide for the same; that the said Commissioners shall immediately transmit to the several States copies of the preceding resolution with a Circular Letter requesting their concurrence therein and proposing a time and place for the meeting aforesaid.

Test: JOHN BECKLEY, C. H. D.

Agreed to by the Senate. H. BROOKS, C. S.

Test: JOHN BECKLEY, C. H. D.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,

February 24th, 1786.

SIR :

On the 15th of this month I forwarded to your Excellency an Act of Congress of that date touching the system of general revenue recommended in the Act of the 18th of April, 1783, and a Schedule of the Dutch and French loans shewing the periods of their redemption with the annual Interest payable thereon, copies of which I now enclose.

I am sorry to inform you that your State is still unrepresented. Early in November I intimated to your Excellency that there were sundry matters which might require the attentive consideration of a full Congress. The state of the representation which I have transmitted will shew that since the first Monday in November there have seldom been seven States represented and never above eight, so that it was impossible to take up the great Business of the Confederacy. What the result may be of this inattention of the States to

the concerns of the Union is uncertain, but I hope your Excellency will use your endeavors to urge the attendance of your Delegates as speedily as possible, that the bad consequences, if any, may not be imputed to your State.

With great respect I have the honor to be,

Your Excellency's most obt. &

Most Humble Servant.,

CHAS. THOMSON.

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BENJAMIN HAWKINS TO GOV. CASWELL.

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[From Executive Letter Book.]

KINGSTON, 27th Feb., 1786.

SIR :

If you should be enabled to procure the balance of the money required by the Commissioners of Indian Affairs from the State of North Carolina, I request your Excellency to inform Messrs. Gervais and Owens of it; that they may take measures for exchanging it, so as to answer the draughts of the Commissioners by the first of April at farthest.

I have the Honor to be Sir,

Your Excellency's most obedient

And Humble Servant,

BENJAMIN HAWKINS.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,

February 28th, 1786.

SIR :

On the 9th of June last, the honor of transmitting an Act passed by the Congress the 7th of that month recommending to the several States to make provision in a manner pointed out in the Acts, for

officers, Soldiers and Seamen, who have been disabled in the service of the United States.

As I take it for granted that the Legislature of your State has complied with this recommendation I have to request the favor of your Excellency to send me a Copy of the Law passed on this occasion, and as it is necessary that the United States in Congress assembled should be informed of the sum which this provision will yearly add to the expences of the Union, in order that they may include in their annual requisition, I have further to request that your Excellency would be pleased to order a return to be made to me of the number provided for, and the Amount of the annual Allowance made to them, that I may make report thereof to Congress.

Should it be the case that your State has not yet made the provision recommended, I trust your Excellency will take the earliest opportunity of submitting this matter to the Consideration of the Legislature, and for this purpose I enclose a Copy of the Act and Answer.

With the Greatest respect,

Your Excellency's most obedient &

Most humble Servant,

CHAS. THOMSON.

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RESOLUTIONS OF CONGRESS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

June 7th, 1785.

Resolved, That it be and it is hereby recommended to the several States, to make provision for Officers, Soldiers and Seamen, who have been disabled in the service of the United States, in the following manner; viz:

1. A complete list shall be made out by such person or persons as each State shall direct of all the Officers, Soldiers and Seamen resident in their respective States who have served in the Army or Navy of the United States, or in the Militia in the service of the United States, and have been disabled in such service, so as to be

incapable of Military duty, or of obtaining a livelihood by labor. In this list shall be expressed, the pay, age and disability of each invalid, also the Regiment, Corps or Ship to which he belonged and a Copy of the same shall be transmitted to the office of the Secretary of War within one year after each State shall pass a Law for this purpose; and a like descriptive list of the invalids resident in the respective States, shall be from year to year annually transmitted to the Office of the Secretary of War.

2. No Officer, Soldier or Seaman shall be considered as an invalid, or entitled to pay, unless he can produce a Certificate from the Commanding Officer or Surgeon of the Regiment, Ship, Corps or Company in which he served, or from a Physician or Surgeon of a Military Hospital or other good and sufficient Testimony setting forth his disability and that he was thus disabled while in the service of the United States.

3. That all commissioned officers within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of Military duty or of obtaining a livelihood, be allowed a yearly pension equal to half their pay Respectively, and all Commissioned Officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly pension which shall correspond with the degree of their disability compared with that of an officer wholly disabled; that all non-Commissioned Officers and privates within the aforesaid description disabled in the service of the United States so as to be wholly incapable of Military or Garrison duty, or of obtaining a livelihood by labor be allowed the sum not exceeding five dollars per month and all non-Commissioned Officers and privates as aforesaid, who shall not have been disabled in so great a degree, be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non-Commissioned Officer or private wholly disabled.

4. That each State appoint one or more persons of suitable abilities to examine all claimants, and to report whether the person producing a Certificate, setting forth that he is an invalid, be such in fact, and if such, to what pay he is entitled and thereupon, the persons appointed to make such enquiry, shall give to the Invalid a Certificate specifying to what pay he is entitled and transmit a Copy to the person who may be appointed by the State to receive & record the same.

5. That each State be authorized to pay to the Commissioned Officers, non-Commissioned Officers and Privates, the sum or sums to which they shall be respectively entitled, agreeably to the before mentioned Certificates; the said payments to be deducted from the respective quotas of the States for the year on which they shall be made, provided that no officer who has accepted his Commutation for half pay shall be entered on the list of invalids, unless he shall have first returned his commutation.

6. That any State may form such invalids under the aforesaid description, as are Citizens of the same, and are Capable of Garrison duty, into Corps to be employed in Guarding Military Stores, aiding the police or otherwise, as the State may direct.

7. That when Invalids shall be formed into Corps, there shall be quarterly returns, comprehending the pay, age, disability, regiment, Ship or Corps to which they severally belonged, made out and signed by the Commanding Officer and transmitted to such person or persons as the State shall direct that their pay may be Ordered according to said return.

8. That all invalids as well as those formed into Corps, as those who are not, shall annually apply themselves to a Magistrate of the County in which they reside or may be stationed, and take the following oath, viz.:

A. B. came before me, one of the Justices for the County of \_\_\_\_\_, in the State of \_\_\_\_\_, and made oath that he was examined by \_\_\_\_\_, appointed by the said State (or commonwealth) for that purpose, obtained a Certificate, or had his Certificate examined and Countersigned setting forth that he had served in the \_\_\_\_\_, that he was disabled by \_\_\_\_\_, and that he now lives in the \_\_\_\_\_ and in the County of \_\_\_\_\_.

9. That the affidavits drawn according to the above form, and dated and attested by a Magistrate, be sent by the said Magistrate to the person or persons appointed by the State to receive and record the same, and that a counterpart of the affidavit be preserved by the person taking it to be exhibited to such persons as shall be appointed by the State to pay the Invalids.

CHAS. THOMSON.



[From Executive Letter Book.]

[illegible]

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BRITISH MINISTER'S ANSWER TO THE AMERICAN MINISTER'S  
MEMORIAL.

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[From Executive Letter Book.]

ST. JAMES, February 28th, 1786.

(Copy.)

SIR:

In answer to the Memorial you did me the honor to deliver me on the 8th December, I have to observe to you, Sir, that it is his Majesty's fixed determination, upon the present as well as every other occasion, to act in perfect conformity to the strictest principles of Justice and Good Faith.

The 7th Article of both the provisional and definitive Treaties, between his Majesty and the United States clearly Stipulates the withdrawing with all convenient Speed, his Majesty's Armies, Garrisons and Fleets from the said United States, and from every port, place and harbor, within the same, and no doubt can possibly arise respecting either the letter or spirit of such an engagement.

The 4th Article of the same Treaties as clearly stipulates that Creditors on either side, shall meet with no lawful impediment to the recovery of the full value in Sterling money of all bona fide Debts heretofore contracted.

The little attention paid to the fulfilling of this Engagement on the part of the Subjects of the United States in general and the direct breach of it, in many particular Instances, have already reduced Many of the Kings Subjects to the Utmost degree of difficulty and distress; nor have their applications for Redress to those whose situations in America naturally pointed them out as the Guardians of public faith, been as yet successful in obtaining them that justice, to which, on every principle of Law, as well as of Humanity, they were clearly and indisputably entitled.

The engagements entered into by Treaty ought to be mutual and equally binding on the respective contracting parties, it would therefore be the height of folly, as well as injustice, to suppose one party alone is obliged to a strict observance of the public faith, while the other might remain free and deviate from its own engagements; as often as convenience might render such deviation necessary tho' at the expence of its own National credit and importance.

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I flatter myself however, Sir, that Justice will speedily be done to British Creditors, and I can assure you, Sir, that whenever America shall manifest a real determination to fulfil her part of the Treaty, Great Britain will not hesitate to prove her sincerity, to co-operate in whatever points depend upon her, for carrying every Article of it into real and complete effect.

The enclosed paper contains a state of the Grievances complained of by Merchants and other British subjects, having Estates, Property and Debts due to them in the several States of America.

I am Sir, your most humble Servt.,  
CAERMARTHEN.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS, March 1st, 1786.

(Circular.)

SIR :

As many States in the Union continued to be unrepresented in Congress or to be represented by only two Members notwithstanding the many recommendations of Congress for remedying these defects particularly those of the 1st November, 1783, and the 19th of April, 1784, and as from the want of a Complete representation the great interests of the Union had frequently been and continued to be neglected or delayed and the Confederation itself or the Administration thereof might be considered as the Cause of Evils which solely resulted from an incomplete representation, Congress judging it incumbent on them to prevent opinion so derogatory to their Honor and so dangerous to the public welfare did on the 17th August last, pass a resolve whereby it became the duty of the Secretary of Congress once in every month to transmit to the Legislature of the respective States a list of the States represented and of those unrepresented in Congress and of the Members from each State. The object of this Resolution was that effectual Measures might from time to time be taken by such States as were unrepresented or represented only by two Members to remedy these defects,

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In the execution of this duty I have had the honor every month since of transmitting to your Excellency the monthly statement of the representation of the States in Congress to be laid before your Legislature, the statement which accompanies this and which I have to request the favor of your Excellency to communicate to the Legislature is for the Month of February last. By this and the three other Statements transmitted since the meeting of Congress on the first Monday in November last, Your Excellency and the Legislature will see that there has not been for a single day a number of States sufficient to proceed on the great business of the Union, indeed for half the time not a Number sufficient to do more than adjourn from day to day.

I beg leave to add that in consequence of information just received, business of the greatest importance is now before Congress which requires the fullest representation. I hope therefore, that your Excellency will urge the Attendance of the Delegates for your State with all possible expedition.

With the greatest respect I have the Honor to be,

Your Excellency's most obedient and most Humble Servt.,

CHAS. THOMSON.

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF FEBY., PURSUANT TO THE ACT OF THE 17TH AUGT., 1785.

[From Executive Letter Book.]

| Members in Town in the<br>course of the month....                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
|--------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| New Hampshire — Mr.<br>Long, Mr. Livermore...                      | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Massachusetts—Mr. King,<br>Mr. Gorham, Mr. Dane.                   | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Rhode Island.....                                                  | . | . | . | . | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| Connecticut—Mr. Johnston<br>Mr. Mitchell.....                      | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |
| New York—Mr. Lawrence,<br>Mr. Smith, Mr. Yates..                   | r | r | r | r | r | r | r | r | r | r  | .  | .  | .  | .  | .  | .  | .  | .  | .  | r  | .  | .  | .  | .  | .  | r  | r  | r  |
| New Jersey—Mr. Cadwal-<br>ader, Mr. Symmes Mr.<br>Hornblower ..... | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Pennsylvania—Mr. Pettit,<br>Mr. Bayard, Mr. St.<br>Clair.....      | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Delaware.....                                                      | . | . | . | . | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| Maryland—Mr. Hindman                                               | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |
| Virginia—Mr. Monroe, Mr.<br>Lee, Mr. Grayson.....                  | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| North Carolina...                                                  | . | . | . | . | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| South Carolina—Mr. Pink-<br>ney, Mr. Ramsey, Mr.<br>Kean.....      | r | r | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Georgia—Mr. Houston....                                            | 1 | 1 | 1 | 1 | 1 | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| The States represented...                                          | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8  | 7  | 7  | 7  | 6  | 6  | 3  | 7  | 6  | 6  | 6  | 6  | 7  | 7  | 7  | 7  | 7  | 7  | 7  |

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HON. WM. BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

PINEY GROVE, March 1st, 1786.

SIR :

On the 11th day of November I had the honor to address a letter to your Excellency from Augusta informing you that the Creek Indians had not acceded to the proposition of the Continental Commissioners to meet them at Golphinton to form a treaty, which I presume you have received.

Since that period the Cherokees, Choctaws & Chickasaws have met them at Hopewell on Keeowee, and formed treaties very prejudicial to the State of North Carolina. That with the Cherokees was completed and signed November the 28th, a Copy of which is contained in the Book which you will receive herewith, as is every other necessary copy that respects either of the above mentioned treaties. I am not able to say the copy above mentioned is verbatim et literatim, as the only means I had to obtain it was to pen it down from the mouth of the Commissioners, when it was delivered to the Interpreters to be explained to the Indians, but you may rely that it is substantially a Copy of the Original. Those with the Choctaws and Chickasaws was signed on the 5th and 10th of January and are the same as the Cherokee treaty, except the third article, which establishes their respective Boundaries.

I thought it unnecessary to protest against the treaty with the Choctaws, because they claimed no part of the lands lying within the chartered limits of the State of North Carolina. The State of Georgia appointed three Agents to attend the treaties, to be held by the Continental Commissioners of which the present Governor was one, and they protested as well at Hopewell as at Golphinton, against the right of the Commissioners to treat with any Indians resident within the limits of their State. When I was honored with the appointment of Agent to attend the aforementioned treaties on the part of the State, it was then understood from the letters of the Continental Commissioners to you Excellency that the whole of them might and would probably be completed at so early a day, that I might attend them and return home in two months. The

Council were pleased to advise the issuing a warrant on the Treasury in my favor as pay for my services as Agent, allowing me the same sum per day, that was allowed the Continental Commissioners by resolve of Congress. As they were not completed before the 10th of January I request your Excellency will be pleased to issue warrants in my favor, for such further Sum as will pay me, at the same allowance per day to the first day of February; the earliest day that I could possibly have reached home after the completion of the treaty on the 10th of January. If I had not been engaged in this business for the public, I should have been in Congress where my salary would have been nearly the same and the service much more agreeable.

The business of the State made it necessary for me to return via Charleston, and there to stay a few days as your Excellency will be informed in my report of my proceedings, as a Commissioner for holding a treaty with the Cherokees and thereby the present report has been delayed to this time.

I have the honor to be,

Your Excellency's mo. ob. Servt.,

WM. BLOUNT.

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HON. WILLIAM BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

PINEY GROVE, March 2d., 1786.

SIR :

By the Extracts from Colo. Vanderhorst's letters to me herewith delivered, your Excellency will be informed of the impracticability of getting the goods belonging to the State of North Carolina, and intended to be given to the Cherokees in presents for lands to be ceded to Hopewell, near Fort Rutledge, before the treaty was formed and signed between those Indians and the Commissioners of the United States, on the part of the United States. Had they arrived before the commencement of that business, I believe every thing the State could have wished or expected to have been done might have been effected, but they did not arrive before the fifth

day of December, when it appeared to me to be utterly impossible to obtain a Cession of a single foot of Land for that, or any other quantity of Goods. Of this I presume your Excellency will not require a better proof than the treaty formed by the Continental Commissioners, with those people and their Journal of that transaction. This being the case and considering it unsafe, both as to Moths and Robbery to let the goods remain at Hopewell or in the vicinity thereof at the risque of the State, I thought it best to dispose of them on the best terms I could for the benefit of the State which I accordingly did as you will see by the Account of Sales. I herewith also deliver an account of the disposition of the Six Hogsheads of rum that were intended for the Indian Guards, &c., had a treaty been held. I am prevented from laying before you at this time an account of the Charges for freight, wagonage, &c., as I have not been able to collect the whole of them.

I beg leave to call your attention to my letter of Instruction to Mr. Ogg and to the three Hogsheads of rum at Washington and to request your Excellency to give such further Orders as you may judge necessary. As to that part of the goods with which I am charged in my account of Sales, I consider myself answerable in the same manner as Mr. Ward is with this difference, that I mean to pay in money; the fact is I sold the whole of the goods to Mr. Ward and the part that I stand charged with I applied to my own use by permission of Mr. Ward, and have charged myself the same price that he was to have paid for them.

I considered it necessary to return from Hopewell by way of Charleston to effect a settlement with Colo. Vanderhorst for the Goods, Rum and Corn shipped to his address. On my arrival there I found him pledged for a duty on the said Goods and rum claimed by the officer of the Customs, (see a Copy of his Note of engagement signed, "a true Copy. Peter Poiquit.") whereupon, I addressed his Excellency William Moultrie, Governor, &c., of the State of South Carolina, and requested him to give the necessary orders to the Officers of the Customs to discharge Col. Vanderhorst from his engagement, as the Goods and Rum were the property of the State of North Carolina, and by the Confederation exempt from the imposition of any duty. A Copy of my letter to him your Excellency will find among the papers herewith delivered. The Original was referred to the General Assembly then Sitting and there's no doubt



but the determination of that Body will be strictly agreeable to the Confederation. I sincerely lament that it has not been in my power to render my Country more service in this Business, for in no Commission with which she has been pleased to Honor me, have I been more solicitous to serve her essentially.

I am, Your Excellency's  
Most Obedient and most humble Servt.,  
WM. BLOUNT.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
March 4th, 1786.

SIR :

I have the honor of transmitting to your Excellency herewith enclosed, an Act passed yesterday by the United States in Congress assembled, together with a Copy of their recommendations of the 30th April, 1784, which are again presented to the view of your State.

As a longer delay in complying with those recommendations, must be attended with great evils, and as the Act passed by your State is so inconsonant to them both in letter & spirit, that it cannot be deemed a Compliance, the Legislature of your State is earnestly solicited to reconsider their Act, and to make it agreeable to the recommendations of the 30th April, 1784.

With the greatest respect,

I have the honor to be

Your Excellency's Most Obedient

& most Humble servant,

CHAS. THOMSON.

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RESOLVES OF CONGRESS ON COMMERCE.

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[From Executive Letter Book.]

UNITED STATES IN CONGRESS ASSEMBLED,  
March 3, 1786.

The Committee consisting of Messrs. Kean, Gorham, Pinkney, Smith and Grayson, to whom were recommitted sundry papers & documents relative to Commerce and the Act passed by the States in consequence of the recommendations of Congress of the 30th April, 1784, report—

That in examining the laws passed by the States, in consequence of the Act of the 30th of April, 1784, they find that 4 States, namely, Massachusetts, New York, New Jersey and Virginia have enacted laws conformable to the recommendations contained in the Act, but have restrained their Operation until other States shall have substantially complied.

That three States, namely, Connecticut, Pennsylvania and Maryland have passed laws conforming to the same, but have determined the time from which they are to commence; the first from the time of passing their Act in May, 1785, and the two latter from the 30th April, 1784.

That New Hampshire by an Act passed the 23d June, 1785, have granted full powers to regulate their trade by restriction or duties for fifteen years; with a proviso that the law shall be suspended until the other States have substantially done the same.

That Rhode Island by Acts passed in February and October, 1785, have granted power for the term of twenty-five years, to regulate trade between the respective States, and of prohibiting, restraining or regulating the importation only of all foreign goods in any ships or vessels other than those owned by Citizens of the United States, and navigated by a certain proportion of Citizens; and also, with a proviso restrictive of its operation until the other States shall have substantially complied.

That North Carolina by an Act passed the 2d June, 1784, have granted powers similar to those granted by Rhode Island, relative to Foreign Commerce, but unrestrained in duration and clogged with a Clause, that when all the States shall have substantially

complied therewith, it shall become an article of Confederation and perpetual Union.

That they cannot find that the three other States, namely Delaware, South Carolina and Georgia have passed any laws in consequence of the recommendations. The Result is that four States have fully complied, three others have also complied, but have determined the time of commencement so that there will be a dissimilarity in the duration of the power granted; that three other States have passed laws in pursuance of the recommendations, but so inconsonant to them both in letter & spirit that they cannot be deemed compliances; and that three other States have passed no Act whatever.

That although the powers to be vested by the recommendations do not embrace every object which may be necessary in a well formed System, yet as many Beneficial effects may be expected from them, the Committee think it the duty of Congress, again to call the attention of the States to this subject, the longer delay of which must be attended with very great evils; whereupon,

Resolved, That the recommendations of 30th April, 1784, be again presented to the view of the States of Delaware, South Carolina and Georgia, and that they must be earnestly called upon to grant powers conformable thereto.

Resolved, That the States of New Hampshire, Rhode Island and North Carolina, be solicited to reconsider their Acts and to make them agreeable to the recommendations of the 30th April, 1784.

Resolved, That the time for which the power under the recommendations of the 30th April, 1784, is to continue, ought to commence on the day that Congress shall begin to exercise it, and that it be recommended to the States of Pennsylvania, Connecticut and Maryland, to amend their Acts accordingly.

CHAS. THOMSON, Secy.

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DUTY OF CONGRESS REGARDING FOREIGN NATIONS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS, ASSEMBLED,  
April 30th, 1786.

The trust reposed in Congress, renders it their duty to be attentive to the conduct of Foreign Nations, and to prevent or restrain as far as may be, all such proceedings as might prove injurious to the United States. The situation of Commerce at this time claims the attention of the several States, and fewer objects of greater importance can present themselves to their notice. The fortune of every Citizen is interested in the success thereof; for it is the constant source of wealth and incentive to Industry, and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of Trade. Already has Great Britain adopted regulations destructive of our commerce with her West India Islands. There was reason to expect that measures so unequal and so little calculated to promote mercantile intercourse would not be persevered in by an enlightened Nation, but these measures are going into System. It would be the duty of Congress, as it is their wish to meet the attempts of Great Britain with similar restrictions on her commerce, but their powers on this head are not explicit, and the propositions made by the Legislatures of the several States, render it necessary to take the general sense of the Union on this subject.

Unless the United States in Congress assembled, shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without them our Foreign Commerce must decline and eventually be annihilated, hence it is necessary that the States should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of Equality may be restrained. That the United States may be enabled to secure such terms, they have

Resolved, That it be, and it is hereby recommended to the Legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares or merchandise from being imported to or exported

from any of the States, in Vessels belonging to or navigated by the subjects of any power with whom these States shall not have formed treaties of Commerce.

Resolved, That it be, and it is hereby recommended to the legislatures of the several States, to vest the United States in Congress assembled, for the Term of fifteen years, with the power of prohibiting the subjects of any foreign State, Kingdom or Empire, unless authorized by treaty, from importing into the United States, any goods, wares or merchandise, which are not the produce or manufacture of the dominions of the Sovereign whose subjects they are.

Provided, That to all Acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine States shall be necessary.

CHAS. THOMSON, Secy.

HON. JOHN ADAMS TO THE SECRETARY OF FOREIGN AFFAIRS.

[From Executive Letter Book.]

GROSVESNOR SQUARE, March 4th, 1786.

(COPY.)

SIR :

I have the honor to enclose to you, copies of the Secretary of State's Answer, dated the 28th of Feb'y, to the Memorial dated the 30th of November and presented to him on the 8th of December last, and of the State of Grievances of British Merchants and others. I shall make no reply to his Lordship, until I receive the Orders of Congress.

With great respect I have the honor to be Sir;

Your most obedient and humble Servt.,

JOHN ADAMS.

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BRITISH MINISTER'S ANSWER TO THE AMERICAN MINISTER'S  
MEMORIAL.

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[From Executive Letter Book.]

(Copy.)

State of the Grievances complained of by Merchants and other British subjects having estates, property & debts due to them in the several States of America.

MASSACHUSETTS BAY.

By an Act of this State, passed the 9th of November, 1784, the Justices of the Courts of Judicature, were directed severally to suspend rendering Judgment, for any Interest that might have accrued between the 19th of April and the 20th January, 1783, on Debts due to British Subjects. This Act is peculiarly severe on the British Subjects against whom it is expressly pointed; the demand of the Interest is called inequitable and unjust, and the Legislature of this State conceive it to be repugnant to the Spirit and Intention of the Fourth Article of the Treaty of Peace which they say provides only for bona fide debts. The Act states that the Legislature have taken Measures to obtain the Sense of Congress upon this Article, but the Committee have not heard that any Opinion has been given thereon.

NEW YORK.

By an Act passed in this State the 12th of July, 1782, British Creditors are precluded from the Interest on all debts contracted before the first of January, 1776, until after the first of January, 1783, and executions for the principal of those debts are forbidden to be levied till the Expiration of Three Years after the Evacuation of New York. By another Act passed the 17th March, 1783, and confirmed by others in 1784 and 1785, those Americans who had Abandoned their Possessions in New York upon its Capture by the British troops and resided without the lines during the War, are enabled to bring Actions of Trespass, for rents, &c., during their absence against the persons who had occupied their premises, whether under the Authority or permission of the British Commander, or otherwise, and who, by this Act are precluded from pleading any Military Order whatsoever in Justification of their occupancy; it also authorizes the Sequestration of the Estates of British Subjects lying in that Country for their Conduct during the war.

By virtue of this Law, Actions for Claims to an enormous amount were immediately instituted against the British Subjects, who relying implicitly on the treaty of peace, and the Faith of Nations were encouraged to remain in New York upon its Evacuation, for the purposes of collecting their Debts and settling or extending their Commercial Affairs, and in Cases where those who had occupied the premises were not to be found the Demands were made on the Lodger, the late Servant, or the Agent of those Occupiers. These Suits have been prosecuted with the utmost severity, and being determinable by Juries of Interested men, as well as Conformable to the above Mentioned Statute, it is no wonder that Verdicts for exorbitant rents and damages have in every instance been found against the Defendants.

## PENNSYLVANIA.

This State has violated the 4th Article of the definitive treaty by passing a Law soon after the peace to restrain the Recovery of old Debts for a given Period. The British Merchants were in consequence thereof, set at defiance, and few instances exist of payment having been made for any Debts Contracted before the war. This Law was limited to September, 1784, but whether it has been further extended by a new Act, or whether it expired at that, the Committee are not certain. This Law operating with the fears and prejudices of some of the Inhabitants, has produced effects of the most Mischievous Consequence to the British Merchants, for not only an uniform opposition has been made against the payment of Interest, but the Lawyers dreading the resentment of some of the most violent among their Countrymen have refused to engage in a recovery of these unpopular demands, and the Committee are well assured that not one Action for the payment of an Old British debt has been prosecuted in this State.

## VIRGINIA, MARYLAND AND NORTH CAROLINA.

The Merchants interested in the Trade of these States, having already by their chairman, presented their case and Memorial to the Right Honorable the Marquis of Caermarthen, respecting their Situation as to debts due to them, previous to the late war, and the hardships they experience from the Infractions of the 4th Article of

the definitive Treaty the Committee beg leave to refer to the annexed extract.

Vide extract of Memorial, Page II.

SOUTH CAROLINA.

After Congress had ratified the definitive treaty of Peace they recommended a due observance thereof to the different States and the Assembly of South Carolina Resolved to carry the said Treaty into execution, sincerely, strictly and completely, but regardless of these resolutions and in contravention of the treaty the Legislature passed an Ordinance the 25th of March, 1784, declaring among other things that no suit should be instituted for any debt contracted by any citizen of the United States, previous to the 26th of February, 1782, until the 1st January, 1785, when the Interest only which had accrued since January, 1780, might be recovered.

And on the 1st January, 1786, one fourth part of the principal and all such other Interest as might be then due.

On the 1st of January, 1787, one other fourth part of the principal and the Interest which shall have accrued.

On the 1st of January, 1788, one other fourth part of the principal and the Interest accrued thereon, and on the 1st January, 1789, the balance which may be. By this Ordinance debtors are Judicially protected from Suits brought at the Instance of their Creditors, who are Chiefly British Merchants, and so Great and General are the Obstructions to recovery of debts, that in several districts remote from Charleston, the Courts have been prevented by tumultuous and riotous proceedings from determining Actions for Debt. By the delay thus occasioned the property of the British Merchant becomes every day more precarious, his Credit and Fortune are Materially injured and in many cases totally destroyed.

To prevent the operation of the Act before mentioned, in cases where it empowers Creditors to sue for one fourth part of the principal of a Debt on the 1st of January, 1786, an Act was passed by this Legislature the 12th October, 1785, entitled, an Act for regulating Sales under Execution and for other purposes therein mentioned, whereby a debtor during any period of a Suit that has been or may be commenced is allowed to tender Land in payment of his Debt, such land to be appraised by three Citizens of the County or



Parish where it lies who are authorized to value it as if sold at a Credit of six Months; the Creditor is then obliged to take the land at three fourths of the Value at which it is so appraised.

By the same law it is further enacted, that no Creditor shall bring any Suit for Debt until he make application in writing from himself to his Debtors for payment. This Act seems calculated to cut off all Possibility of non-resident British Creditors commencing a suit. The proviso that he must write himself to his debtor, is considered as an insurmountable obstacle in his proceedings as he must meet with innumerable difficulties in proving the delivery of his Letter to a debtor, who may reside in the interior part of the State; where this difficulty does not exist the Creditor must either drop his action or run the risk of having property of little or no value bordering perhaps on the Indian Country, forced upon him, which if sold for Cash would not produce one tenth part of its appraised Value. Another Instance of the Violation of the 4th Article of the Treaty which provides that Creditors on either Side shall meet with no Lawful impediment to the recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted arises from the payment of debts to British Subjects, in depreciated paper currency, which was forced into circulation during the war, and made a legal Tender according to its Nominal Value by the then Government, the depreciation became so great that debtors by such unjust Tenders did not pay one Shilling in the pound, and where they plead those payments or Tenders in Bar to the demands of their British Creditors, such Creditors are proportionately defrauded of their Property.

The fifth Article of the Treaty Stipulates, that Persons of certain descriptions shall have free liberty, to go to any part of the United States to obtain the restitution of their rights and properties. This article has been grossly violated in this State, for though such persons were permitted to go thither, yet the purposes for which they went were frustrated by a suspension of the course of Justice, for they were compelled to depart by a public Notification from the Governor, and to Abandon their property, under the Aggravating reflection of having been at considerable expence, both of time and Money in a delusive pursuit and having also experienced great Personal Insult and abuse during their continuance in the State.

Several British Merchants who have sold goods in Charleston,

while in possession of his Majesty's Troops were obliged to accept houses and lands in payment of debts. After its evacuation an Act of confiscation was enforced, which though not passed till the 26th February, 1782, had retrospect to the fourth of July, 1776, houses and lands then the property of persons in purview of the Act, but which had undergone many changes, and actually belonged to British Merchants when the Act was passed were sold by the Commissioners of Confiscated Estates in June, 1784, without any regard to their claims founded upon the 5th & 6th Articles of the Treaty of Peace. The property was sold at a Credit of five years and State indents were to be received in payment in case the State of South Carolina should comply with the 5th Article of the treaty. It has been suggested that the Claimants will be paid in State Indents, which are already depreciated 50 per Cent. and it is apprehended that at the end of five years will be so reduced in value, that Creditors of this description will not receive one Shilling in the pound of their demands.

It is also, necessary to observe that the decisions of the Board of Police, established under the King's Government in Charleston, however equitable, have been set aside *since the Peace*. British Subjects have been deprived of their property purchased under its process and cast in excessive damages and cost, for no other cause, than having brought Action therein for the recovery of Debts, even where the defendant had confessed Judgment and both plaintiff and defendant were British Subjects.

#### GEORGIA.

Laws and regulations similar to those which have been passed in South Carolina, exist in this State with degrees of peculiar and manifest Aggravation. The Judges from the bench having declared that no Suit shall be proceeded on if brought by a British Subject while on the contrary they allow British Subjects to be sued by their Creditors.

According to the present Regulations in both Countries :

An American is protected in his property by our Laws, all our Courts are and always have been open to him for recovery of any debt as well Interest as principal.

A British Merchant is in some States positively, in others virtually, prohibited by their Legislatures from recovering his property

which is a Violation of the fourth Article of the Treaty of Peace. In several States Judgment for Interest for more than Seven years is Actually suspended by Law, whilst in others although the Courts appear to be open, the Lawyers are afraid to prosecute for British debts. Those Creditors are deemed fortunate who upon giving up all Claim to Interest (which is equal to thirty and in some Instances to forty per Cent.) can obtain Security for the payment of the principal.

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ORDER TO NAVAL OFFICERS, PORT ROANOKE.

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[From Executive Letter Book.]

Richard Caswell, Esquire, Governor & Commander in Chief of the State of North Carolina, to the Naval Officers of Port Roanoke, Greeting :

Whereas, It hath been represented to me that the following Vessels being owned by Citizens of the United States, viz: Sloop Speedwell, Samuel Leighton, Master; Sloop William, Levi Luther, Master; Schooner Hannah & Betsy, John Collins, Master ; Schooner Newport, Levi Stephens, Master ; Sloop Lively, Moses Kelsey, Master ; Schooner Industry, Thos. Friendly, Master ; Schooner Elizabeth, John Wardell, Master; Schooner Polly, Cornelius Dunham, Master; Sloop Olive Branch, Isaac Allen, Master, were entered in your office previous to the prohibiting by proclamation the Exportation of Grain ; and it being also represented that the Cargoes of those Vessels were purchased and partly invested in Wheat and Indian Corn actually Shipped on Board the said respective Vessels previous to the aforesaid Proclamation, and unless the Embargo on Wheat and Indian Corn is taken off, so far as relates to the said Vessels, manifest injuries will be sustained by the owners of such Vessels.

I have therefore thought proper to permit you, the said Naval Officer, and you are hereby permitted accordingly, to clear out the Vessels aforesaid with such Wheat and Indian Corn as the Master or Owner of such Vessels respectively, shall, by affidavit or otherwise, make appear to your satisfaction was actually purchased for such Cargo previous to such Master or Owners having any know-

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ledge of the prohibition or Embargo aforesaid, (my proclamation of the fourth instant to the contrary notwithstanding) and that affidavits being made that no person who is not a Citizen of the United States is directly or indirectly interested in such Cargoes or any part of them respectively.

Given under my hand and the Great Seal of the State at Kinston the ninth day of March Anno Domino, 1786, in the Tenth year of the Independence of the State.

R. CASWELL.

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J. HAYWOOD TO GOV. CASWELL.

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[From Executive Letter Book.]

TARBOROUGH, March 10th, 1786.

SIR :

I do myself the honor to hereby inform you that, pursuant to my appointment, I have now on hand a considerable quantity of tobacco, and am daily getting more. In a very few weeks, the removal of Tobacco from Tarborough to Washington will become impracticable, thro' the falling of the Water, I have therefore to request your Excellency's directions as to the place to which such Tobacco as I may from time to time purchase shall be shipped. Should you order it to Philadelphia or New York, I have some thought, in case I can render it convenient, to go with or meet it there. My Motive for doing so would be to save to the State the extravagant commission of 5 per Cent., which I am told in case of Consignment, is the least that will be demanded, and which would be a deduction from the net proceeds, of which I believe few of our Assembly had any Idea. Mr. Blount offers to send in his Vessels such Tobacco as I may purchase, to either of the above mentioned places or elsewhere; he cannot at one time carry to the full amount of my intended purchases, nor do I know that it would be advisable to send all at the same time. He writes me one of his Vessels is or will in a very few days be ready to take in a load, and it is from this cause as well as to avoid paying warehouse rent at Washington,

which by shipping immediately I might probably do, that I am induced to request your immediate directions.

Mr. Combs, of Philadelphia, called on me after leaving you at Kinston. He appeared to flatter himself with a hope of having the Consignment of the Public Tobacco. Told me that was the cause of his waiting on your Excellency and from his having convinced you of his responsibility that he hoped the Tobacco would be sent to the address of his House. I observed to him that I should, as to the place of shipping and the Consignment of the Tobacco, consider myself as being wholly under the direction of your Excellency, & therefore, that it was not in my power to give him any assurances on that head; otherwise than that, I would send it to him on condition you directed me to do so; he likewise demands a Commission of 5 per Cent. I fear there is not a house either in Philadelphia or New York equal to advancing the Cash for any Considerable quantity of Tobacco; should that be the Case the Tobacco must be again stored, and would perhaps by lying, become injured. However, of these Matters I consider your Excellency the only Judge in the present Instance.

As I consider myself by no means an adept in Mercantile Affairs and am exceedingly anxious to answer the expectations of the legislature in the execution of my appointment, I would receive with gratitude any directions or advice your Excellency may have leisure to give me and that you will consider me.

With the highest respect & esteem,

Your obedient Servant,

J. HAYWOOD.

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HON. M. HUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

HILLSBOROUGH, 11th March, 1786.

SIR :

In consequence of the resolve of the General Assembly directing me to receive from Capt. Fenner, the final Settlement Certificates and deliver them to the proper claimants. I did apply to him at

Halifax on the 30th January last, and served him with a Copy of the said resolve properly signed and Certified; but received for answer, that he was not possessed of said Certificates by Order of the General Assembly, nor was he amenable to them, and therefore refused to deliver them to me.

I am Sir, with great respect,

Your Obedient Servant,

M. HUNT, Treasurer.

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GOV. CASWELL TO HON. JAMES WHITE, ESQ.

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[From Executive Letter Book.]

KINGSTON, March 10th, 1786.

SIR:

As this State is not represented, nor even a member attending, nor do I learn any arrangement has been made by the Delegates, respecting the time of their attendance, it becomes my duty to endeavor to prevail upon a sufficient number of Delegates to attend. And it was the expectation of the General Assembly when they elected six gentlemen, that three should be in Congress one half the year, and the other three the remainder, and left it to themselves to fix the time; when that has not been done, it has been the rule for the first in nomination to go forward. Mr. Blount and Mr. Bloodworth signified their intention of going forward, so as to be at New-York the first of November last; they are yet in the State but intend setting out in a few days, I am told. Pray let me know when you intend to go on, and the time you mean to stay at Congress, that I may be on a certainty when to recommend it to some other gentlemen to supply your place. The Council is to meet here the 21st Instant, when it will be absolutely necessary for us to take some steps, respecting the important business of our representation in Congress. I shall expect by that time to receive positive information of the intention of other gentlemen who are Delegates as well as yourself.

I am authorized to say, that only seven States a few days passed were represented in Congress, and from several of them only two

members; so that very little business could possibly be done, the most material requiring Nine States at least to transact the business.

These are the motives for my addressing you on this subject, and the inducement to my sending a particular Express.

I have the honor to be,

With great respect Sir,

Your mo. ob. humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO ABNER NASH, ESQ.

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[From Executive Letter Book.]

KINGSTON, March 11th, 1786.

DEAR SIR :

I was honored with your favor of the 24th Ult. by Mr. Smith, and am very glad to hear you intend being in Congress the first of November. We are yet without a single Delegate there for the current year, and I am authorized to say only seven States were represented in Congress, but a few days past, and three of these by only two Members each. So that on a division of one State or the absence of one of those Gentlemen from a State, represented by two only, a stagnation of business of course takes place. And the most material business, which requires the assent of nine States, is totally at a stand. From hence you will be able to form an opinion of the dissatisfaction and uneasiness as well of the attending members, as other persons, waiting on Congress to have business done.

Your application Sir, for the whole amount of one year's salary, to commence the first of November next, I confess appears to me rather early, especially when I consider that the Gentlemen who have engaged to go on, for the present year, have received only warrants for four months' service each, it will therefore appear partial in me to grant warrants to you, to the amount you require. Your reasoning with respect to the remittance is good, but as I had the advice of the Council, on the sums for which warrants have been issued in favor of the other Delegates, I shall pursue the same method in respect to your request. I expect a meeting of that

Board in the course of ten days and their result on this business I will as soon as practicable communicate to you, and whatever remains for me to do shall be made as agreeable as I possibly can, with consistency to your wishes.

Herewith is enclosed a Commission to the Delegates in general for the next year. And also a copy of the Resolutions of the Legislature of Virginia for opening a Canal from Pasquotank to Elizabeth River, which is the best way I have of communicating the substance of the propositions of that Commonwealth. You probably might have heard in the course of last Assembly that such a measure was in agitation; and I recollect to have heard some of our Members observe that the proposed Canal, if carried out, would be a means of making our neighbors our Carriers, and giving them advantage of exporting our most valuable Produce, Tobacco, Pork, &c. However, this is only a hint Sir, it may not strike you in the same point of view.

With very great respect & esteem,

I have the honor to be, Sir,

Your most obedient and

Very humble Servant,

R. CASWELL.

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GOV. CASWELL TO JOHN C. BRYAN, ESQ., SHERIFF OF  
CRAVEN COUNTY.

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[From Executive Letter Book.]

KINGSTON, March 12th, 1786.

SIR:

I have received satisfactory Proof that the Negro called Jacob (one of those by you advertised in the Gazette) who says he belongs to Mr. Latham Thurston, of Newport, is undoubtedly the property of that Gentleman.

You will therefore be pleased to deliver the said Negro Jacob to Mr. Samuel J. Thurston on his paying you the Charges incident to the Commitment of the said Negro and giving you an indemnification against Mr. Latham Thurston, his Executors, Administrators &



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Assigns for such delivery, unless he produces an authenticated power from Mr. L. Thurston, if he does there will be no necessity for the indemnification, but the power should be lodged with you or recorded in the Clerk's office at New Bern.

I am Sir, your most Obedt. Servt.,  
R. CASWELL.

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GOV. CASWELL TO HON. DAVID RAMSEY, ESQ.

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[From Executive Letter Book.]

KINGSTON, March 12th, 1786.

SIR:

I had the honor to receive your letter of the 31st of January last, enclosing a Resolution of Congress stating the inconveniences arising from a wanting of a sufficient number of States to proceed on the business of the Union.

I had flattered myself that previous to the date of your letter, that Mr. Bloodworth and Mr. Cumming, two of our Delegates would have taken their seats in Congress but some unforeseen accident, or other causes I presume, has prevented. Mr. Blount has lately returned from the Indian Treaties held to the Southward, where he attended as agent for this State, and will set out for Congress in a few days. Doctor White also, either has gone on or will shortly set out, so that I have the strongest reasons to believe we shall be fully represented within a short time from this, and that those Gentlemen will continue to the end of the year, in Congress.

I have the honor to be,

With great respect Sir,

Your mo. ob. humbl. Servt.,  
R. CASWELL.

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GOV. CASWELL TO GOV. HENRY.

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[From Executive Letter Book.]

KINGSTON, March 12th, 1786.

SIR :

I had the honor to receive your letter of the 25th January last ; with the proceedings of the General Assembly of Virginia, on the subject of opening a navigable Canal from the waters of this State to Elizabeth River, which I shall do myself the honor of laying before our Legislature on the first opening of their next Session.

With great respect and esteem, I am Sir,

Your Excellency's mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO CHAS. THOMSON, ESQ.

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[From Executive Letter Book.]

KINGSTON, 12th March, 1786.

SIR :

I had the honor to receive your letter of the 1st Ult., enclosing a Representation of the States in Congress, January, 1786, which shall be laid before the Legislature.

I did expect this State would have been represented in the course of last month, but suppose some matters have turned up which have prevented the Gentlemen from going on so soon, as they had intended. However, I have on the return of Col. Blount from the Indian Treaties lately held to the Southward, where he was as our agent, the strongest assurances that he will go on, and that of some other Gentlemen, so that I have no doubt we shall have in a few days a full representation in Congress which will continue to the end of the year.

I have the honor to be, with great respect and esteem Sir,

Your mo. ob. humbl. Servt.,

R. CASWELL.

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EDWARD BRIDGEN TO BENJ. FRANKLIN, ESQUIRE.

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[From Executive Letter Book.]

LONDON, March 13th, 1786.

MY DEAR SIR :

Tho' I have done myself the honor to trouble your Excellency with several since we parted at Spithead, I have not been favored with one reply, notwithstanding which my pen hath been roused by the news of part of my property being sold in the State of North Carolina which is the Cause of this Address. The Subject your Excellency will see in my Letters to the Governor of that State, which go enclosed under Mr. Adams' cover with a letter to you Sir, from himself. I am now, my kind and good friend, to entreat the favor of your Excellency's forwarding the enclosed to the Governor of North Carolina by some safe Hand, with a word or two in my favor ; for I mean not to trespass much on that time so honorably and usefully employed in the service of your Country.

A few days ago I saw our good Friend the Bishop of St. Asaph ; you Sir, were the principal subject in our Conversation.

A short Acknowledgment of the receipt of this will be highly satisfactory to Dear Sir,

Your Excellency's faithful and devoted Servant,  
EDWARD BRIDGEN.

His Excellency Benj. Franklin, Prest. of Pennsylvania.

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JAMES EMMETT TO GOV. CASWELL.

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[From Executive Letter Book.]

FAYETTEVILLE, 13th March, 1786.

SIR :

By the opportunity of Captain Lightfoot I use the freedom to request from your Excellency the loan of a few pieces of Artillery. It is in our power to raise in this place a Militia Company of Artillery who may be properly trained and hereafter serviceable to our

Country. I am informed of some pieces being at Salisbury, that are now entirely neglected. If your Excellency will be pleased to give us an Order for them you may be assured that the greatest care will be taken of them and kept Clean.

I have the Honor to be with all difference Sir,  
Your Excellency's most obt. Servant,  
JAMES EMMETT.

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J. G. & THOMAS BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

WASHINGTON, March 14th, 1786.

SIR :

The late Governor Martin put into our hands Warrants on the Treasury to enable us to pay in part to Mr. Marbois, a debt due from this State to the Government of Martinique. We have remitted to the Northward the full amount of their Warrants, but are not yet furnished with the acct. of Sales that we cannot inform you what further sums may be necessary to pay the whole debt.

If any further payments are intended to be made we shall be obliged by being furnished with the Money or Warrants as soon as Convenient as the season is fast advancing when Produce cannot be conveniently had even with Money. We have a further reason for Wanting the warrants at this time ; which is to secure the money from the County Treasurer's draft ; by and by the money may not be had even for Warrants.

We are with much esteem,  
Your Excellency's most Obt. Humble Servants,  
J. G. & THOMAS BLOUNT.

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GOV. CASWELL TO JOHN HAYWOOD, ESQR.

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[From Executive Letter Book.]

KINGSTON, March 14th, 1786.

DEAR SIR :

Your favor of the 10th Current, I had the pleasure of receiving last evening. I am glad to hear you have purchased a considerable quantity of Tobacco for the public, and wish I was sufficiently informed of the duties enjoined me by the Law, under which you act, but unfortunately I am only furnished with the first part of the Act. The Printer has omitted to send me the third sheet beginning with the ninth page, in which is contained I presume the duties required of me, so that at this time, I cannot give any particular directions, but I will procure the Law as soon as practicable, and forward you by Express the necessary instructions. In the mean time pray exercise your own discretion in respect to sending down the Tobacco to Washington. I think the trifling expense of a few days or weeks' warehouse rent there should be no impediment to transporting it, within the proper seasons of the waters being up. It will be very pleasing to me, if the Tobacco is shipped to Philadelphia, or New York, if you can make it convenient to go with or meet it there, so as to have the disposition of it, tho' I do not think it will be prudent to send the whole of your purchase in one bottom, or for the whole to go to the same market at one time.

Mr. Combs' application I came into on these principles. He informs me he had consulted the Commissioners for purchasing public Tobacco, respecting the consignments, that so far as was within their power, he found his proposals agreeable to them, but he was informed the Governor was to direct in the business. He produced sufficient Documents to shew me the respective Houses with which he is connected, in New York and Philadelphia, were as likely as any other to do the State justice and assured me the business should be done on the usual Terms of Commissions. And as I did not expect the Assembly could have expected this business to be transacted by any Merchants upon any other Terms, I did not hesitate to inform Mr. Combs that if it lay with me to direct the shipments or Consignments of the Tobacco, if any was shipped for those parts, it should be addressed to the Houses with which he was connected.

But, if you go forward, I certainly shall have a sufficient excuse for altering my intention in that particular for very obvious reasons.

My most respectful compliments attend you and your brother. My son Winston also, request you will accept his.

I beg that you both will believe that I am with sentiments of sincere friendship and esteem Dear Sir,

Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. TIMOTHY BLOODWORTH.

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[From Executive Letter Book.]

KINGSTON, March 18th, 1786.

DEAR SIR :

This State is still without a representative in the Congress of the United States, at least was so a few days past, and business of the utmost importance to the Union, lying before them which they cannot meddle with, which has occasioned the attending Members to complain much of the Gentlemen, who do not attend from the States that are unrepresented.

These circumstances induce me again to address you on that subject. I flatter myself that long before this, the causes of your delay have been removed, and I must entreat you to inform me whether you really design to go forward or not, if you do, the time, and also the time you mean to stay in Congress, that measures may be taken so as to keep up the Representation. These accounts I wish to receive here by Tuesday next, when the Council is to meet me, principally on this business.

Mr. Blount sets out in a few days, and I am informed Doctor White left Chatham some weeks past, with a design of accompanying you by water to New York. Pray, if you know anything of the Doctor, inform me.

I have the honor to be,

With great respect and esteem Sir,

Your mo. ob. Servt.,

R. CASWELL.

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SAMUEL OSGOOD, WALTER LIVINGSTON & ARTHUR LEE TO  
GOV. CASWELL.

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[From Executive Letter Book.]

BOARD OF TREASURY, March 21st, 1786.

SIR :

We were honored a few days since with your Excellency's Letters of the 20th December and 21st January, 1786, in answer to ours of the 10th, 25th and 29th, October. Be pleased to accept of our acknowledgments for the Trouble you have taken in seeing Mr. Skinner duly qualified as Commissioner of the Loan Office and to transmit to this office by Post the Bonds and oath of Office.

We flatter ourselves that the Legislatures of the State of North Carolina will not break up without complying in the fullest manner with the late requisition.

The critical state of the Union calls for every exertion in the several States to enable Congress to discharge the Interest and Principal of the Engagements entered into with Foreign Nations for the establishment of the general liberties.

A report has prevailed that the Legislature of the State has Ordered the Purchase of a certain Quantity of Tobacco in order to Establish funds for the payment of the States quota in Specie ; if it has any Foundation your Excellency will oblige us in giving notice from time to time of the progress made in this business, that we may know in what manner it is proposed that the Monies arising from this transaction should come into the public Treasury and when we may depend on it.

We have the honor to be, with great respect,

Your Excellency's obt. Humble Servants,  
SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

---

J. HAYWOOD TO GOV. CASWELL.

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[From Executive Letter Book.]

TARBOROUGH, March 22nd, 1786.

SIR :

Since having the honor of receiving your letter of the 14th Inst. I have been again applied to by Mr. Blount on the subject of his transporting the public Tobacco; the late arrival at Washington of one of his Brigs together with his solicitude to be finally answered on that head, causes my troubling your Excellency with this, which you will be pleased to consider a solicitation for your Instructions. Lest you should not as yet have obtained a Complete Copy of the Act of Assembly under which the Tobacco is purchased I have taken the liberty of sending you herewith enclosed an Extract which includes the whole of the duties by that Act enjoined your Excellency. I yesterday saw Mr. Jacob Blount who is immediately from New York, he says Tobacco sells there for 33/ only, and that money was not to be had for it even at that price. I shall, pursuant to your Excellency's advice, loose no time in getting down the river such Tobacco as I have already on hand.

I would now beg leave to trespass so far on your Excellency's patience to make mention of the Motives which led to my having it in Contemplation to accompany my purchases in case of their being Ordered to the Northward, which were these. Mr. Combs told me he should in case I consigned to him, charge 5 per Cent., that he would sell no man's Merchandise for less; and those are the terms which I believe he offered the other Commissioners. As to my own part I made no kind of Contract with him other than as I heretofore did myself the honor of writing you from the acquaintance I had with that Gentleman. I thought him Clever, I think him so still and should be pleased with his having the Consignment and sale of my purchases provided he would do that business on as easy terms as Others, but it seems he will not, for soon after his departure from this Country Mr. Blount wrote me that he was well satisfied Messrs. Stewart & Barr, Merchants, and of one of the most respectable Houses of Philadelphia, could sell the Tobacco to as great



an advantage as any other of that place and that he was convinced that they would do it for two per Cent. Mr. Kinchen, of Halifax, wrote soliciting the Consignment and sale of their Tobacco, said the Commissioner of Halifax has promised him assurance and that he would execute that business for as little as any other person could. This being the case and I know not what would be the best and thought for a few days of going with the Tobacco myself; 'tis true I would not willingly go for a much larger Commission than two per Cent. I do not think it was the intention of the Assembly that any Merchant should have a hand in this business and I am exceedingly desirous of conducting it if possible agreeably to their wishes. I beg you to be assured it is from this principle alone and not from any hope of gain that I should be induced to go. I purpose writing Mr. Combs in order to be informed whither he will not do this Business on more easy terms in case I do not go.

Sir, I am,

Your Obedient Servant,

J. HAYWOOD.

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RESOLUTIONS OF THE STATE OF PENNSYLVANIA RESPECTING TRADE  
OF THE UNITED STATES.

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[From Executive Letter Book.]

STATE OF PENNSYLVANIA IN GENERAL ASSEMBLY,

Tuesday, March 21st, 1786, A. M.

The Report of the Committee read March the 11th on that part of the Message from the Supreme Executive Council which respects a Convention of the States proposed by the Commonwealth of Virginia, was read the second time; whereupon,

Resolved, That five Commissioners be appointed on the part of this State; any three of whom may Act to meet such Commissioners as may be appointed by the other States in the Union, at a time and place to be agreed on, to take into Consideration the Trade of the United States, to examine the relative situation and trade of the said States; to consider how far a Uniform System in their Commercial Regulations may be Necessary to the Common Interest and

their permanent harmony; and to report to the several States such an Act relative to this great Object as when unanimously ratified by them will enable the United States in Congress Assembled, effectually to provide for the same. And also to meet Commissioners of Virginia and Maryland to Communicate reciprocally the Regulations of Commerce and duties proposed by each State and within their respective powers and that the Supreme Executive Council be Authorized and requested to make the said appointment of Commissioners and to give them such instructions from time to time as they shall think expedient.

IN COUNCIL.

Extract from the Minutes.

JACOB SHALLUS, Assistant Clerk.

Council proceeded to the Election of Five Commissioners under the Resolution of Assembly of the twenty-first of March last. When it appeared that the following Gentlemen were chosen, viz : Robert Morris, George Clymer, John Armstrong, Jun., Thomas Fitzsimmons and French Casee, Esquire.

Extract from the Minutes.

JAMES TRIMBLE,

For John Armstrong, Jun., Secretary.

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GOV. CASWELL TO HON. TIMOTHY BLOODWORTH.

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[From Executive Letter Book.]

KINSTON, March 22nd, 1786.

DEAR SIR :

I had the honor of your letter by my servant which has been laid before the Council, who are now sitting. I am advised by that Body to make up another Draft on the Treasury in your favor, the amount of the public allowance for your services to the first of November next, I must therefore request you will inform me the sum you received from the Treasurer. Mr. Read, I flatter myself, has taken up your warrant, and what may remain to make up for eight months service, I will deliver a Draft for, to your order. Mr.

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Blount is here, and has assured me he will set out for Congress in a very few days. Dr. White I am told is at Wilmington. I have written to him by this opportunity, recommending his going on as speedily as he possibly can, this from your assurances I have reason to hope and believe you will do. That you may all arrive there soon is my earnest wish, as I know how much business of great importance must remain undone, until a fuller representation is in Congress, than at present.

With great respect, I have the honor to be, Sir,  
Your most obedient Servant,  
R. CASWELL.

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GOV. CASWELL TO DOCTOR WHITE.

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[From Executive Letter Book.]

KINGSTON, March 22nd, 1786.

SIR :

I expected to have the honor of receiving from you information of the Time of your setting out for Congress, but as I had not, and being strongly importuned by Congress to use my endeavors to prevail on the Delegates of this State to attend in their places, I sent an Express to Chatham, with a letter addressed to you on the subject, and at the same time wrote General Ramsey, in case you was set out, to inform me the time, and what length of time, you proposed staying in Congress. He answered that you had set out and intended to proceed with Mr. Bloodworth by water from Wilmington to New York, since which I have heard of your being in Wilmington, and now take the liberty of requesting you will be pleased to proceed as speedily as possible to New York, and take your Seat in Congress, of the time of your departure, you will oblige me by informing me, and how long you propose staying. I am advised by the Council on your signifying your intentions of staying in Congress till the first of November to give you a Draft on the Treasury for other four months allowance, which I shall be ready to comply with, on the receipt of such notice, in which case the Draft shall be delivered to your order.

I expect Messrs. Blount and Bloodworth will be at Congress by the time you arrive, pray let me hear from you as soon as practicable.

With the greatest respect,

I have the honor to be, Sir,

Your mo. ob. humbl. Servt.

R. CASWELL.

---

JNO. WHITAKER TO GOV. CASWELL.

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[From Executive Letter Book.]

HALIFAX COUNTY, 23d March, 1785.

DEAR SIR :

I am to inform you that I have now on hand about one hundred Hogsheads of Tobacco purchased for the Public. And believe there is now in the ware house 150 more that I shall get as soon as I am furnished with money. Upon the whole there don't remain a doubt with me but I shall get my full quota ; provided, I am furnished with Money by the first of May, but am doubtful of that as I have no account from that quarter. I have now, Sir, to request your Excellency's direction Agreeable to Act of Assembly in regard to shipping the Tobacco. Do not well remember whether the Business of Consignment rest with yourself or the Commissioner but well recollect it was to be under your Notice. I have it much at heart to get rid of the business in order to which I propose completing the whole of it, if possible, by our next Assembly. I neglected getting a Copy of the Act of Assembly and must confess I find myself at a very great loss for want of it; permit me, Sir, to intrude upon your patience while I request the favor of a Copy of that Act of Assembly, if Convenient.

I am dear Sir, your most Obedient &

Very humble Servant,

JNO. WHITAKER.

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RESOLUTION OF MASSACHUSETTS RESPECTING TRADE.

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[From Executive Letter Book.]

COMMONWEALTH OF MASSACHUSETTS,

IN SENATE, March 23rd, 1786.

Whereas, information has been received, that the General Assembly of the State of Virginia, have passed a Resolution appointing certain persons therein named, as Commissioners in behalf of the said State, to meet such Commissioners as may be appointed by the other States in the Union, for the purpose of taking into Consideration the Trade of the United States, and to report to the several States, such an Act relative thereto, as will best promote the commercial interest of the United States.

Resolved, That Honbl. Caleb Davis, Benjamin Goodhue, Tristram Dalton, Esquires, and John Coffin Jones, Esqr., together with those persons who are or may be Constituted Agents in behalf of this Commonwealth, to conduct and prosecute our Claims to lands controverted by New York, and lying to the Westward of that State, be, and they are hereby appointed Commissioners on the part of this commonwealth; who, or any three of whom are hereby Authorized and empowered to meet such Commissioners as may be appointed by the other States in the Union, at Annapolis, on the first Monday in September next, for the purpose of Considering the Trade of the United States, to examine the relative situations and trade of the said States, to consider how far an uniform system in their commercial regulations may be necessary to the common Interest, and their permanent harmony; and to report to the United States in Congress Assembled, such an Act relative to this great object as when agreed to by them, and confirmed by the Legislature of every State, will enable the United States in Congress Assembled, effectually to provide for the same.

And it is further Resolved, That his Excellency the Governor, be requested to give notice to the Supreme Executives of the several States in the Union, of the concurrence of this Commonwealth in

the measure proposed by the State of Virginia, for the purposes aforesaid.

Sent down for Concurrence.

SAMUEL PHILLIPS, JUN., Pres't.

In the House of Representatives March 24th, 1786. Read and Concurred with.

ARTEMAS WARD, Speaker.

Approved : JAMES BOWDOIN.

A True Copy—Attest :

JOHN AVERY, JUN., Sect'y.

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GOV. CASWELL TO JOHN HAYWOOD, ESQR.

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[From Executive Letter Book.]

KINGSTON, March 26th, 1786.

DEAR SIR :

I have your favor of the 22nd Inst. covering an Extract of the Act of Assembly, under which Tobacco is purchased, and am much obliged, by the trouble you have taken in this business. I had a few days past, received from the Printer the sheet of his publication, which I wanted, was then engaged with the Council on business which was finished yesterday. And this day I intended writing you by Express, but luckily Mr. Signal's arrival, who returns immediately, will save the expense of an Express.

The duty enjoined me, is pretty clearly pointed out. I conceive it will be necessary for the Commissioners to make me a return of No. of Hogsheads of Tobacco, quantity in weight and the port of delivery, as well as the time when it will be ready for shipping. I am then to give information to the Board of Treasury, and request their directions with respect to the same, on receipt of which I am to communicate their orders, or rather advice to the Commissioners whose duty it will be to make the shipments accordingly. This I confess is a round about way of doing business, but it is the mode pointed out by the wisdom of the Legislature. And we must pursue it.

Under these circumstances, I am not a little surprised that Mr. Blount should be so earnest in his solicitations about the freighting of the Tobacco, as he must know I cannot give any orders about the shipment, nor advise them to be made, but conformable to the directions of the Honorable Body of which he is a Member.

You will be pleased to make me a report of the Tobacco you have purchased, similar to what I have mentioned or as nearly agreeable to it as practicable, when I will immediately give information to the Board of Treasury.

My son Winston joins me in our best respects to you and your Brother.

I am Dear Sir,  
Your most obedient Servt.,  
R. CASWELL.

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GOV. CASWELL TO CAPT. WILLIAM McDANIEL.

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[From Executive Letter Book.]

KINSTON, March 29th, 1786.

SIR :

Your Letter of the 14th Current came duly to hand. There will be Tobacco to Ship on account of this State for Europe or elsewhere some time hence, but the precise time or quantity or indeed the place where it may be destined to, I am not now able to inform you nor will it be with me to make contracts for the shipping of it, the Commissioners for purchasing the Tobacco will have that business to do, but for what port depends on advice from New York.

Mr. John Haywood, of Tarborough, will be the person to apply to tho' at this time I do not suppose he will venture to contract with you, but I think it very likely that he may be ready to ship by the first of June, and have no doubt if your Terms are as Liberal as others on this application, of which I believe he has had notice from Mr. Blount, he will be disposed to give you the preference.

I am Sir, your obed. Servt.,  
R. CASWELL.

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GOV. CASWELL TO MESSRS. JOHN GRAY AND THOMAS BLOUNT.

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[From Executive Letter Book.]

KINSTON, 29th March, 1786.

GENTLEMEN :

In answer to your letter of the 14th Current, whenever you are pleased to signify the sum necessary, and for what part each particular Draft will be most agreeable, the warrants shall be forwarded to you, for the payment of the balance of the Debt to be remitted to Mr. Marbois.

I am Gentlemen,  
Your mo. ob. Servt.,  
R. CASWELL.

---

HIS EXCELLENCY GOV. BOWDOIN, RESPECTING TRADE, TO  
GOV. CASWELL.

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[From Executive Letter Book.]

COMMONWEALTH OF MASSACHUSETTS,  
BOSTON, March 30th, 1786.

SIR :

Pursuant to the request of the Legislature of this Commonwealth, I have the honor to inform your Excellency, that they have acceded to the proposal of the Assembly of Virginia, for holding at Annapolis in Maryland, a Convention of Delegates from the several States in the Union, for the purpose of Considering the trade of the United States and their resolve upon the subject is enclosed.

I have the honor to be,

With the most perfect regard Sir,

Your Excellency's most obedient

And Humble Servant,

JAMES BOWDOIN.



---

GOV. CASWELL TO JOHN WHITAKER, ESQR.

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[From Executive Letter Book.]

KINGSTON, March 30th, 1786.

DEAR SIR :

I have your favor of the 23rd Inst. and observe your report with respect to the Tobacco, of which I shall advise the Board of Treasury immediately, and as soon as their directions on this head are obtained I will inform you, to the end, you may make the shipments agreeable to their order.

In the mean time I request that you will forward to the port of Delivery, which I presume, will be Edenton, your purchases and report to me, not only the No. of hogsheads, but also the quantity in weight, in that case I shall be better able to discharge the duties enjoined me by that Law.

Enclosed is an Extract of the Law which contains all that is necessary for your Government in this business, at this stage of it.

I flatter myself you will be able to obtain the money by the time you mentioned, as I have the strongest reason to believe Mr. Gillespie will be with the paper at Hillsboro in the course of a week, where I understand everything else is ready and the Commissioners only wait his coming with the paper.

I am Dr. Sir,

Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. TIMOTHY BLOODWORTH, ESQR.

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[From Executive Letter Book.]

KINSTON, March 30th, 1786.

DEAR SIR :

I am honored with your letter of yesterday's date and also that by Mr. Garrett, which came last night to hand. By the latter, I am happy in being informed Dr. White is gone to New York, Mr.

Blount says positively he will set out next Wednesday; on your arrival there, I hope you will find these two Gentlemen in Congress.

Agreeable to your last request, enclosed is a warrant for £136, which with the former warrant of £256, and the £120 received from the Treasurer, will make £512 the amount of the allowance of the public for eight months, that is six months service in Congress, and one month going and another returning.

It will give me great satisfaction to hear from you on all occasions, and if at any time I can render you service, it will give me pleasure. I most sincerely wish you an agreeable passage, and that the important duties of your appointment may prove so.

With sentiments of friendship and respect,

I am Dr. Sir, your mo. ob. Servt.,

R. CASWELL.

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GOV. SMALLWOOD'S LETTER TO GOV. CASWELL.

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[From Executive Letter Book.]

MARYLAND, ANNAPOLIS, March 30, 1786.

(CIRCULAR).

SIR :

I have the honor of transmitting to your Excellency the enclosed Copy of an Act of Legislature of this State under the Great Seal, passed in their last Session, extending the time for bringing in and settling Claims against the State by the Citizens thereof, and for limiting the time for bringing in and settling claims against the said State by the Citizens of the United States.

By particular direction of the General Assembly of this State, I have to request that you would be pleased to order the Substance of this Act to be published, or such part thereof as you may judge necessary for the information of the Citizens of your State.

I have the honor to be, Sir,

Your Excellency's Humble Servt.,

W. SMALLWOOD.

GOV. CASWELL TO HON. JOHN JAY, ESQ.

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[From Executive Letter Book.]

KINGSTON, 3rd April, 1786.

SIR :

I am honored with your letter of the 13th February last, enclosing a Copy of an Ordinance, of his Catholic Majesty of the 28th of May last, directing the Flags to be used by the Navy & Merchant Ships of Spain, with a Design of the Flag.

I have the honor to be with great respect Sir,

Your mo. ob. & very humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. CHAS. THOMSON, ESQR.

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[From Executive Letter Book.]

KINGSTON, 3rd April, 1786.

SIR :

I have been honored with your several letters of the 24th & 28th of February, and the 1st and 4th of March last with their respective enclosures.

I have the honor to enclose herewith a copy of an Act of Assembly of this State, for the relief of the Officers, Soldiers and Seamen, who have been disabled in the Service of the United States, during the late war, which should have been transmitted to you before this time, but I waited to have a printed Copy of all the Laws passed last Session, which I intended to forward to your office, which I mean yet to do, as soon as they are out of the press which will be in a few days.

I have been much concerned, that all my endeavors have not been sufficient to prevail on any of the Delegates of this State, to go forward until very lately. Col. Blount, who returned but a few days passed, from the Treaties lately held with the Southern Indians, does me the honor to be the bearer of this, and I flatter

myself by the time he arrives Mr. Bloodworth & Dr. White will be in Congress, so that we shall be fully represented.

I have the honor to be

With great esteem & respect, Sir

Your mo. ob & very humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO DR. McNEILL.

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[From Executive Letter Book.]

KINGSTON, 3rd April, 1786.

SIR :

Your case being laid before the Council at a late meeting of that Board, they advised a further Respite of the Execution of the sentence of Banishment till the meeting of the Assembly. I have accordingly enclosed a Certificate of the same, under the Seal of the State.

I am Sir,

Your mo. ob. Servt.,

R. CASWELL.

---

GOV. CASWELL TO THE HONORABLE THE DELEGATES IN CONGRESS.

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[From Executive Letter Book.]

KINGSTON, April 3rd, 1786.

GENTLEMEN :

The Treaties lately entered into by the Commissioners appointed by the United States in Congress assembled, with the Cherokees and other Indians to the Southward of them, are so repugnant to our Bill of Rights and Constitution, and so great an infringement on the Rights of the Legislature of this State that it becomes my duty to require that you do not by any means consent to the Ratification of the Treaties made by the Commissioners aforesaid with the Cherokees, Chickasaws and Choctaws, or with either of the said

Nations. On a recurrence to the Bill of Rights and Constitution of this State, the impropriety of such a measure will appear in the most glaring point of view, and I trust your own good sense and your known attachment to the Rights and Interest of your Constituents, will make it unnecessary for me to observe further than it is expected you will by all possible endeavors exert your powers to prevent a ratification of those Treaties which may have such pernicious tendency to the injury of this State. To shew that this is not my sentiments alone, I have the honor to enclose you a Resolution of the Council of State on this subject, the only Body by which the executive, in the recess of the General Assembly, is to be advised.

With the greatest respect and esteem,

I am Gentlemen,

Your mo. ob. & very humbl. Servt,

R. CASWELL.

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GOV. CASWELL TO THE HON. COMMISSIONERS OF THE BOARD OF  
TREASURY.

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[From Executive Letter Book.]

KINGSTON, 3rd April, 1786.

GENTLEMEN :

I have been honored with your letters of the 17th December & 22nd February last, with their respective enclosures, which shall be laid before the Legislature at their first meeting.

I have the honor to enclose you an extract of an Act of the General Assembly of this State, passed the 29th of December last, by which you will observe that some Tobacco was directed to be purchased and shipped to such place as you shall advise as the most likely to procure Bills or Monies for the payment (or some part of) the proportionable part of this State of the debt due from the United States, subject to the orders of the Board of which you have the honor to be members.

Some Tobacco has accordingly been purchased, and it becomes my duty to inform you, about four hundred Hogsheads, will very

shortly be ready for shipping from the Town of Washington, in this State, and also near the same number of Hogsheads (the quantity of which I believe may be estimated at one thousand net) from Edenton, I must therefore request you will be pleased to advise me what port, and to whom to make the shipments; and order the net proceeds to be paid into such hands as may answer the designs of the Assembly.

This trouble I flatter myself you will excuse us for giving you, as it may be of some advantage to the United States in general, as well as this in particular.

I have the honor to be,

With the greatest respect, Gentlemen,

Your mo. ob. & very humbl. Servt.,

R. CASWELL.

P. S. I have not received any Report of the purchases made by the Commissioners at Fayetteville, but daily expect it. That Town is on the Cape Fear, and the Tobacco there will be shipped from Wilmington; I imagine near 600 Hogsheads.

I am, &c.,

R. CASWELL.

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GOV. CASWELL TO HON. CHAS. JOHNSTON, ESQR.

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[From Executive Letter Book.]

KINGSTON, April 9th, 1786.

DEAR SIR :

Since I had the pleasure of writing you last on the subject of the Delegation of this State to Congress, I have had an opportunity of taking the sense of the Council, respecting the Salaries of the Gentlemen who go on that Business. And I am happy in informing you that the Board has advised me to grant warrants for the full time that the Gentlemen signify to me it is their intention of attending; this I shall cheerfully do, and make the usual allowance for going & returning.

I have reason to believe that Messrs. Blount, Bloodworth &

White, are by this time on their way to Congress, but I have given assurances to Mr. Blount, that I would recommend it to you, to follow as soon as you possibly can, as he means to stay no longer than his place is supplied by you or some other Gentleman. It will give me pleasure to be informed that you will go, the time you mean to attend and the particular Sums you wish your Warrants for, that they may be made out with the Commissioners and forwarded to you with dispatch.

I have the honor to be,

With respect and esteem, Dear Sir,

Your mo. ob. Servt.,

R. CASWELL.

---

GOV. CASWELL TO THE HON. WILLIAM BLOUNT, ESQ.

---

[From Executive Letter Book.]

KINGSTON, April 4th, 1786.

DEAR SIR :

Permit me to recommend to your care the following Letters, viz.: The Secretary of Congress, the Secretary for Foreign Affairs, the Commissioners of the Board of Treasury and the Delegates for this State in Congress.

The first is an answer to sundry official Letters and contains a Copy of the Act of Assembly for making provision for the Officers, Soldiers and Seamen disabled in the late War.

The second an answer to an official Letter respecting the Flags of Spain.

The third is an answer to official Letters and contains an extract of the Act directing the purchase of Tobacco and requires the advice and directions of the Board respecting the reshipments and net proceeds of the Tobacco.

The fourth includes Copy of a Resolution of the Council of State respecting the Indian Treaties, with my earnest request that the Delegates will exert their utmost power to prevent a Ratification of the same.

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I understand you are going by water and most sincerely wish you an agreeable Passage.

I shall be happy in hearing from you on all Occasions and in rendering you any service in my power.

With Sentiments of very Great Esteem and Respect,

I have the Honor to be Dear Sir,

Your most obedient and very humble Servt.,

R. CASWELL.

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A TALK DELIVERED BY THE OLD CORN TASSEL TO JOSEPH MARTIN  
FOR THE GOVERNOR OF NORTH CAROLINA.

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[From Executive Letter Book.]

CHOTAY, 10th April, 1786.

BROTHER :

I am now going to speak to you. We are many miles apart but my words will come safe to your ears. I have promised to let you hear everything I know that concerns you and your people ; I remember it and will do it. Some of my young men have lately come from the Western Tribes of Indians and they tell me they are preparing for War and they will most certainly strike on your Frontiers this Spring and Summer. The Creeks are now preparing to strike at the same time, and have been trying to get our young men to join them but we will not agree to it. Tho' some of our young men are out at this time to take Satisfaction for some of their friends that were killed near one of their Towns by some of your rude young Men, who after talking friendly together some time took advantage of them when they thought no harm, and killed four without any offence. We tried to stop their friends from taking Satisfaction and apply to some of the White warriors for Justice but they said it was not worth while for the white people would only laugh at them and make warriors of them that did it as they did of the man they killed, Butler. We are told that the man that killed Butler made you believe that Butler shot at him first but we know good that he is a liar, for Butler nor the young man that was with



him neither, had a gun and the white people know it, too. He only killed him for his Horses which he has now and will not deliver them to Butler's friends & Relations. He also took him up after his Friends had buried him and stripped him a second time. We therefore hope you will make him give up the Horses if you will do no more. We are very sorry that your people are suffered to Come in our Country making disputes ; we want to live in peace with our friends, the White people, and we will never Quarrel with them if we can help it. We therefore hope that you, our elder Brother, will take pity on us and do us Justice and keep your people from us, only such as you point out to trade with us, which we shall take great care of. We are very afraid that we shall be blamed if the men who have gone out do any Mischief but we cannot help it, we did everything we could to stop them. We have been waiting a long time to see the people moved off our lands on the South side of French Broad river, but they still come nearer. We are told they are to be moved this Spring, we shall be very glad to see it.

I am and ever would wish to be,  
Your Friend & Brother,  
OLD CORN TASSEL.

---

HON. CHAS. BIDDLE, VICE PRESIDENT OF PENNSYLVANIA, TO  
GOV. CASWELL.

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[From Executive Letter Book.]

COUNCIL CHAMBER, PHILADELPHIA,  
12th April, 1786.

(Circular)

SIR :

I have the honor to communicate a Resolution of the General Assembly of this Commonwealth of the twenty-first day of March last, and a Minute of Council thereupon of this day.

I am Sir, with the highest Respect,  
Your most Obedient Humble Servt.,  
CHAS. BIDDLE, Vice President.

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GOV. CASWELL TO JAMES COOR, ESQR.

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[From Executive Letter Book.]

KINGSTON, April 19th, 1786.

SIR:

Your Letter of the 16th Current I have before me ; also, your return of Entries and Clearances from November to the 15th of this month. I observed the vessel you alluded to was cleared the 26th of January, which was before the first proclamation, prohibiting the the exportation of Grain was issued, or even advised by the Council to be issued. I therefore see no impropriety in your delivering Capt. Turner his papers, but rather think it your duty so to do. If the vessel has been an unusual time in port, the greater will be the disadvantage to the owner.

I am Sir, your mo. ob. Servt.,  
R. CASWELL.

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ROBERT ROWAN TO HIS EXCELLENCY GOV. CASWELL RESPECTING  
TOBACCO.

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[From Executive Letter Book.]

FAYETTEVILLE, April 20th, 1786.

SIR :

By the Act of Assèmbly the Commissioners for purchasing Tobacco were to give your Excellency an Account of their proceedings every three Months. I have gone something over the time but it has been for want of an opportunity offering sooner. My success has not been so good as I at first expected, the Merchants having taken uncommon pains to cry down the intended emission of paper Currency by informing the planters they would not sell their Goods for it and that it would be no better than Blank paper, except for the purpose of paying Taxes. I have taken Inspector's Notes for One hundred and twenty-five hogsheads, and have engaged for One hundred and sixty-five to be delivered between now and the first of June; the badness of the roads leading to this place, with the

Scarcity of Grain has prevented many planters from sending down their Tobacco, but as there is now plenty of grass I make no doubt of yet Getting the full Complement from this Year's Crops. I have promised to attend at Hillsborough two or three weeks where those who carried their Notes home have promised to meet me. I should be glad of your Excellency's directions, about sending the Tobacco to Wilmington, whether it would not be better sent while there is water, and a ware house engaged for the Reception of it, as it may be attended with considerable difficulty, Getting it down late in the Summer, should it prove a dry one, which is much to be apprehended. If the sale of the Tobacco, should be under the direction of your Excellency, the many Obligations you have already laid me under emboldens me to ask another which is to have the disposal of it. I would go to any place where it may be proper to send it, and would do the business on as reasonable terms as it could be done by any Other. I shall expect your Excellency's instructions by the return of Mr. Dyer, and have the honor to be,

With infinite respect Sir,

Your Excellency's most Obt. Servant,

ROBERT ROWAN.

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JOHN GRAY & THOS. BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

WASHINGTON, April 22nd, 1786.

SIR :

Yours of the 29th Ult. is to hand wherein you say that when we signify to you the Sum Necessary for paying the balance of the Debt due Mr. Marbois, you will issue warrants for the same in such sum as will be most agreeable. It is impossible for us to say what sums will be Necessary as we are not yet furnished with account of Sales from the Consignees of the different Cargoes Shipped, but from the price of our produce here we may readily suppose Shipments from this State will not afford a profit, nor ought we, until the fact appears, to suppose a loss ; our only wish is to remit as fast as possible to pay the debt as we are frequently solicited so to do.

Your Excellency will judge of the Sum Necessary and draw Accordingly. We shall be much obliged by having the drafts small to answer the different Collectors say from fifty to one hundred Pounds.

We are with much respect your Excellency's, &c. .

J. G. & THOS. BLOUNT.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
April 22nd, 1786.

(Circular.)

SIR :

In obedience to the Order of Congress I have the honor to transmit to your Excellency herewith enclosed Copies of the Treaties, which the United States in Congress Assembled, have by their Commissioners entered into with the Shawanese, Cherokee, Choctaw and Chickasaw Indian Nations.

Considering how much the Security, Comfort and happiness of the frontier Settlements depend on being at Peace with the Neighboring Indians, and how important it is to the whole Confederacy that the Savages on our border be impressed with a Sacred Regard for treaties ; and with a firm, unshaken confidence in our Justice, honor and National faith solemnly pledged, I have no doubt but your Excellency will exert all the Means in your power, to enforce a due observance of the several Articles of these Treaties, so far as they concern your State or relate to the Conduct of its Citizens.

I have the Honor to be, with the greatest respect,

Your Excellency's most obedient & most Humble Servt.,

CHAS. THOMSON.

GOV. CASWELL TO MESSRS. JOHN GRAY & THOMAS BLOUNT.

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[From Executive Letter Book.]

KINGSTON, April 24th, 1786.

GENTLEMEN :

Herewith you will receive warrants on the Treasury to amount of thirteen hundred pounds for the purpose of paying the balance of the Debt due from this State, to the Government of Martinique. If this should prove insufficient, be pleased to inform me, and what may remain shall be granted.

I am Gentlemen, your mo. ob. Servt.,  
R. CASWELL.

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JOHN JAY, ESQ., MINISTER OF FOREIGN AFFAIRS, TO  
GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE FOR FOREIGN AFFAIRS, May 3rd, 1786.

(CIRCULAR.)

SIR :

Congress has been pleased to order that I should report particularly and Specially how far the several States have complied with the Proclamation of Congress of the 14th January, 1784, and the Recommendation accompanying the same, pursuant to the definitive Treaty of Peace between the United States of America and Great Britain.

In Order that I may be able to fulfil the Expectations of Congress, I must request the favor of your Excellency to inform me whether and how far the State of North Carolina has complied with the Recommendation in question.

I have the Honor to be,  
Your Excellency's Most obt. Humble Servt.,  
JOHN JAY.

---

TIMOTHY BLOODWORTH ESQ., TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, May 3rd, 1786.

DEAR SIR :

After a passage of eight days from Wilmington, I arrived here yesterday half after twelve and finding Mr. White here we both presented our Credentials and took our seats this day. Received your instructions with the resolve of the Council and am sorry to inform you that the treaty was received and entered on the Journals before we came here. Under these circumstances I judge it will be prudent to let the matter rest until Mr. Blount takes his seat whose assistance will be of infinite advantage in the undertaking, and the delay will not be attended with any ill convenience. It is not in my power to give you any satisfactory account of the business before Congress as time has not furnished an opportunity for my own Information. I shall embrace the first opportunity to furnish you with proper Intelligence and shall Esteem it an honor to be favored with your advice on every Subject of importance.

I received your warrant but Mr. Reed could not pay one Shilling. Was under the necessity of bringing some tar which I find will net 3/ per Barrel if I am fortunate in the sale ; pitch cost me 16/ per Barrel and the freight 5/ per barrel and it goes current here for 11/, all goods.

The Assembly of New York now sitting, has passed an Act for emitting paper currency ; also, an Act to comply with the requisitions of Congress respecting the impost but, will not suffer Congress to remove the officer of Impost for mal administration, their remedy in that case is to complain to the Executive who may remove him if they please. This measure gives umbrage to the delegates, but it has not come officially before Congress yet, but expect a Copy will be laid before them to-morrow for their perusal.

I remain dear Sir, with the utmost esteem,

Your Excellency's most Obdt. & very humble Servt,

TIMOTHY BLOODWORTH.

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GOV. CASWELL TO COL. A. LYTLE.

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[From Executive Letter Book.]

KINGSTON, 3rd May, 1786.

SIR :

I am requested to write to you respecting a tract of 4200 acres of land, in Orange County, on Saxapahaw River, entered by and granted to John Lovick, Esqr., in November, 1728, advertised by you for sale as confiscated property.

The Grantee John Lovick, was formerly Secretary of the Province of North Carolina, and altho' more than once married, left no issue of his own Body. His brother Col. Thomas Lovick, Collector of Port Beaufort, survived him, with whom I was well acquainted from 1746, till his death, about the year 1759 or 1760. He left George Phinny Lovick, his only son and heir, who then resided in Craven County, and continued to do so till his death, about the year 1778, when among other children he left his eldest son Thomas now of full age, but of weak understanding, who is heir to the land above alluded to, if the same was not in the life time of Mr. John Lovick by him disposed of. This you will be pleased to take notice of, and you may rely on the facts I have mentioned being fully proven to the satisfaction of the Assembly; so that if you propose selling this land as being forfeited by the heir of the Grantee, I flatter myself you will desist from the sale, at least 'till the meeting of the Assembly, but if it was by the Grantee transferred to any other, who has forfeited the Estate, I would not wish you to believe that I mean to interfere in the business, my only motive being to serve the weak young man, whose friends did not observe this land mentioned in your advertisement until too late to pursue any more legal mode, and if the right is in him, as most certainly it is, if not transferred by the grantee, it would be cruel and unjust to put him to the trouble & expense of Law Suits, for the recovery of such rights, which very probably would be the case, in case of sale and possession obtained by the purchaser.

I am with respect & esteem, Dear Sir,

Your most obedient Servant,

R. CASWELL.

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GOV. CASWELL TO ROBERT ROWAN, ESQR.

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[From Executive Letter Book.]

KINGSTON, May 4th, 1786.

DEAR SIR :

Your Letter of the 20th Ult. I received this day, and am glad you are likely to complete your purchase of Tobacco for the public, it certainly will be most prudent to get it down as soon as practicable to Wilmington, lest the want of water in the dry season should prevent it.

I received returns from Mr. Whitaker and Mr. Haywood, some time past, and wrote to the Board of Treasury acquainting them of the qualities which would be ready for shipping from Edenton and Washington, at the same time informed them the quantity directed to be purchased at Fayetteville, and that I was induced to believe that would shortly be ready for shipping from Wilmington, and required their directions as to the port of shipment, and the mode of lodging the net proceeds. Their answer I daily expect. On its arrival I will communicate the same to you. If it falls to me to direct the shipment, or do anything further respecting the consignments from Wilmington and I can serve you in it, you may rely on my doing so.

With sincere respect and esteem,

I am, Dr. Sir, your mo. ob. Servt.

R. CASWELL.

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BENJ. FRANKLIN TO GOV. CASWELL, RESPECTING BRIDGEN'S ESTATE.

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[From Executive Letter Book.]

PHILADELPHIA, May 11th, 1786.

SIR :

I have just received the enclosed letters by a Ship that arrived last Night from London, and understanding that the Southern post sets out this day, I do not lose a moment in forwarding them to



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your Excellency, and in adding my Testimony to that of Mr. Adams in favor of Mr. Bridgen, whom I had the pleasure of being acquainted with in London before the time of the Stamp Act ; and during all my residence there, on which occasion, and uniformly ever since, he was and has been a Zealous friend to the cause of liberty and of America. While I was in France he kept up a correspondence with me, and I had frequent opportunities of knowing his kindness to our people who were prisoners in England, from the Acknowledgments of those who escaped out of the Gaols and got to me at Paris, by his Friendly Assistance. I therefore cannot but hope that the Confiscation of his Estate in your Government may yet be reconsidered, and if possible reversed: for in some cases it may be generous and noble to treat our Enemies as friends. I hope we may never in any one instance be justly chargeable with treating our Friends as enemies.

With great Esteem and Respect,

I have the honor to be Sir,

Your Excellency's most obedient

And most Humble Servant,

B. FRANKLIN.

---

JOS. MARTIN TO GOV. CASWELL.

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[From Executive Letter Book.]

SMITH'S RIVER, HENRY COUNTY, May 11th, 1786.

SIR :

The accounts from the Cherokee Country are somewhat alarming. I left Chota the fourteenth of last month when two or three parties had gone out towards Cumberland or Kentucky to take satisfaction for four other young men who were murdered by One McClure, and two others near a small Indian town on the Tennessee, one of which was a Brother to a principal Chief called the Bloody Warrior, who commanded one of the parties that was then Out. The other Indians did everything in their power to stop him and asked him to complain to the Whites, but his reply was, that had been often tried without effect, and Satisfaction he would have for his Brother;

but as they had not returned before I left the town, I left a man in whom I can Confide to watch their Return and follow me with certain Intelligence which he has done and which is as follows : The 17th of last month the parties of Indians returned with fifteen Scalps. Sent several Letters to General Sevier which he read, as they were opened; they informed that General that they had now taken satisfaction for their friends, that were Murdered; that they did not wish for war but if the white people wanted war it was what they would get. He further says that he was informed that there was great preparations making by the Creeks to carry on an Expedition against Cumberland ; that they were about to erect a post at or near the Mussle Shoals ; that several pack Horses had already passed by Chickamawgah, they say the French and Spaniards that are settled there are to furnish them with arms and Ammunition. The Indians told me that I might depend that the Creeks would endeavor to break up Cumberland this Summer, they wanted the Cherokees to join them, saying they would let the White people know they could go to war in armies as well as they could. I have lately been through the different Cherokee Towns this Spring, from Tugolo to Hightown on Chattahoochee river. They all seemed very Friendly and I feared not the least danger from any unless Chickamawgah, they seem much divided. The Dragon Canoe which is one of the Chiefs, is much attached to the Spanish Interest and I believe will join the Creeks. He killed two traders the latter part of the winter on their way to the Chickasaws from Cumberland. Ellis Haslin, one of the principal Traders in the Cherokee Country, informed me he saw a party of Creeks & Chickamawgahs on their way to Cumberland and endeavored to turn them back but they told him they were at open war with the Virginians and they would not go back.

I spent some days at Holstein to find out as well as I could the disposition of the people respecting the new State, and by the best calculation I can make two thirds of them are for the Old State. I make doubt of their sending Delegates to the North Carolina Assembly next Session ; they have held an Assembly lately and appointed Captain Cock a Member of Congress, and given Colonel Charles Robertson liberty to coin 30,000 dollars Specie of that Value. I am told they are to have a Coat of Arms of their own. Having a reference to the State of Franklin, one of the Members of

the Assembly informed me that the Colonel was in such forwardness with his Mint that in the Course of three weeks he could furnish their Members to Congress with Cash of the new Coin.

Colonels Christen and Donaldson, with many others, have been killed this Spring on Kentucky and Cumberland. A great part of the Western Indians have declared War at my Station, in Powell's Valley. The Indians have shot several Hogs and Cattle and Stole a number of Horses but killed nobody. I was there the 23rd of last month and a Cow came up with an arrow stuck in her side. People seem generally alarmed on the frontiers.

If your Excellency will favor me with any Commands they will come to my hands by way of Alexander Martin, Esquire, any time between now and the twenty-fifth of July next, after that I shall set out for Sullivan to Attend the Election.

I have the honor to be,

With very great respect,

Your Excellency's

Most Humble Servant,

JOS. MARTIN.

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SAMUEL OSGOOD, WALTER LIVINGSTON & ARTHUR LEE TO HON.  
ROBT. MORRIS, ESQR., RESPECTING TOBACCO.

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[From Executive Letter Book.]

BOARD OF TREASURY, May 12th, 1786.

(Copy.)

SIR:

We transmit you a copy of a Letter received by the Board from His Excellency the Governor of the State of North Carolina, relative to a quantity of Tobacco which has been purchased by that State, with a view of applying the proceeds in payment of its Quota due the United States. In a Conference with the Delegates of the State on this subject we united in opinion, that it will be most for the Interest of the State, as well as that of the Union to make Sale of this Tobacco to some Reputable Mercantile House, who will engage to pay the proceeds into the Treasury of the United States.

As this purchase will in all probability answer your purposes we wish to know whether you will be willing to contract for it, and if so, at what price payable in three equal Installments of Three, Six and Nine Months computed from the date of your Agreement.

The Governor's Letter specifies the quantity the State will furnish and the places of deposit. You will be pleased to favor us with your Sentiments on this proposal, as soon as Convenient.

We are, Sir,

Your obt. Humble Servts.,

SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

---

COL. ANTHONY BLEDSOE TO GOV. CASWELL.

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[From Executive Letter Book.]

NASHVILLE, May 12th, 1786.

DEAR SIR :

I am heartily sorry to be obliged to address you on the present disagreeable subject. Immediately after my return from New Bern I found the peaceable situation of our little flourishing Country disturbed by the Indians stealing Horses, &c., and soon after proceeded to Hostilities ; as enclosed I send you a List of the Names of the several persons killed and wounded, in consequence of which I have Ordered look outs in different parts of the Country and am Obligated to call on the Militia continually, which is very oppressive. Our Country being a frontier alround and in all appearances likely to be invaded on every quarter, and driven to stations and fortifications leaving their property exposed to the savage, to the destruction of this Infant Country and we seem to be at a loss to know with Certainty by what hand we suffer in particular, tho' we are certain in part by the Cherokees and they say a part by the Creeks. A McClure and two others from Kentucky having their Horses stole by the Indians last Winter, went near the Chickamawgah Towns and killed four of them in which attempt two of the three fell and McClure only escaped. After they had committed several thefts and

wounded several of our people, we sent a half breed that had come to the Country as a guide to some Gentlemen with a letter to Chickamawgah demanding of them the reasons of such of their Conduct; to which they returned a very Friendly answer, and wish things to be put up at what they are at. Our Messenger informs us that the Chickamawgas killed one Clark and his wife and child at Bigg Barron River, (not mentioned in the list I have sent you) in retaliation of the Mischief done them by McClure, &c., and wounded several of our people, and now say that they are satisfied, but some of the tribes still persist in their Barbarous Murders. Our Infant and defendless Country loudly call for Assistance, and look up to your Excellency to revenge her Blood. If Nothing more could be done, you will please write to the Cherokee and Creek Nations, and let them know that we are settled here under your Authority.

The Creeks say that what they are doing is in consequence of the Attempt of Settling the Bent of Tennessee. John Taylor, the half breed that we sent to the Cherokees, says there is one hundred and fifty of the Creeks coming against this Country to lay it waste, and in all probability anything done in future will be in the name of the Creeks. I am desired by Col. Robertson and others to request your Excellency to write to the Governor of Georgia on the subject.

I must request your Counsel for particular Instructions relative to my conduct and the Method to be pursued in defence of the Country asking permission to go against some small Town of the Chickamawgahs, should we Certainly find that they are the particular Offenders. They lie within one hundred and thirty miles of this place. Pray give me your orders as immediately as possible.

I have the Honor to be,

Your Excellency's Most humble

And most obedient servant,

ANTHONY BLEDSOE.

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 COL. ANTHONY BLEDSOE'S LIST, &c.
 

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[From Executive Letter Book.]

A list of Killed and wounded in Davidson County by the Indians.

| Killed.              |           | Wounded.           |           |
|----------------------|-----------|--------------------|-----------|
| Joseph Thomas.....   | March.    | Squire Grant.....  | March 20  |
| William Gubbins..... | do.       | John Patton.....   | ditto.    |
| Pear Planting....    | do.       | Thos. Patton.....  | ditto.    |
| William Miller.....  | April 20. | John Frazier.....  | ditto.    |
| David Lucas.....     | do 23.    | William McGee..... | April 15. |
| William Shannon..... | do 26.    | Andrew Barber..... | ditto 12. |
| Thomas Frigit.....   | May 1.    |                    |           |
| Samuel Buckhannon... | do 8.     |                    |           |

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TREATY OF AMITY & COMMERCE BETWEEN THE UNITED STATES  
AND THE KING OF PRUSSIA.

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[From Executive Letter Book.]

THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,  
May 17th, 1786.

To all to whom these presents shall come—Greeting :

Whereas, A treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America, was concluded by the plenipotentiaries of the said Majesty, duly and respectively authorized for that purpose, at the places of their respective residence, and at the dates as expressed under their several signatures which said Treaty written in both the American and French Languages, is (in the American) in the words following, to-wit :

A Treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America.

His Majesty the King of Prussia, and the United States of America, desiring to fix in a permanent and Equitable Manner, the rules to be observed in the intercourse and Commerce they desire to establish between their respective Countries, his Majesty and the United States have judged that the said end cannot be better Obtained

than by taking the most perfect equality, and reciprocity for the Basis of their argument.

With this view his Majesty the King of Prussia has nominated and Constituted as his plenipotentiary, the Baron Frederick William de Thulemier, his privy Counsellor of embassy, and envoy extraordinary, with their high mightinesses, the states General of the United Netherlands, and the United States, have on their part, given full powers to John Adams, Esqr., late one of their Ministers plenipotentiary for negotiating a peace, heretofore a Delegate in Congress from the State of Massachusetts, and chief justice of the same, and now Minister plenipotentiary of the United States with his Britanic Majesty, Doctor Benjamin Franklin, late Minister plenipotentiary at the Court of Versailles, and another of their Ministers plenipotentiary for Negotiating a peace ; and Thomas Jefferson, heretofore a Delegate in Congress from the State of Virginia and Governor of the said State, and now Minister plenipotentiary of the United States at the Court of his most Christian Majesty, which respective plenipotentiaries after having exchanged their full powers, and on mature deliberation, have concluded, settled and signed the following Articles.

Article 1. There shall be a firm, inviolable and Universal peace and sincere Friendship between his Majesty the King of Prussia, his Heirs, Successors and Subjects, on the one part, and the United States of America and their Citizens on the Other, without exceptions of persons or places.

Article 2. The subjects of his Majesty the King of Prussia may frequent all the Coasts and Countries of the United States of America, and reside and trade therein all sorts of produce, Manufactures and Merchandize ; and shall pay within the said United States no other greater duties, charges or Fees whatsoever, than the Most favored Nations are, or shall be Obligated to pay, and they shall enjoy all the Rights, privileges and exemptions in Navigation and Commerce which the most favored Nation does, or shall enjoy, submitting themselves nevertheless to the Laws and Usages there established and to which are Submitted the Citizens of the United States, and Citizens and Subjects of the most favored Nations.

Article 3. In like manner the citizens of the United States of America may frequent all the Coasts and Countries of his Majesty the King of Prussia, and reside and trade therein all sorts of pro-

duce, manufactures and Merchandise and shall pay in the dominions of his said Majesty no other or greater duties, charges or fees whatsoever, than the most favored Nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in Navigation and commerce which the most favored Nation does or shall enjoy. Submitting themselves nevertheless to the Laws and usages then established and to which are submitted the subjects of his Majesty the King of Prussia, and the Subjects and Citizens of the most favored Nations.

Article 4. More especially each party shall have a right to carry their own produce, Manufactures and Merchandise, in their own or any other Vessels to any parts of the dominion of the Other, where it shall be lawful for all the subjects or Citizens of that Other, freely to purchase them and thence to take the produce, Manufactures and Merchandise of the other, which all the said Citizens or Subjects shall in like manner be free to sell them, paying in both cases such duties, charges and fees only, as are or shall be paid by the most favored Nation. Nevertheless the King of Prussia, and the United States, and each of them, reserve to themselves the right where any Nation restrains the Transportation of Merchandise to the Vessels of the Country of which it is the Growth or Manufacture, to establish against such Nation retaliating regulations and also the right to prohibit, in their respective Countries, the importation and exportation of all Merchandise whatsoever, when reasons of State shall require it.

In this case the Subjects or Citizens, or either of the contracting parties, shall not import or Export the Merchandise prohibited by the Other; but if one of the Contracting parties permits any other Nation to import or export the same Merchandise, the citizens or subjects of the Other shall immediately enjoy the same Liberty.

Article 5. The Merchants, commanders of Vessels or other Subjects or Citizens of either party, shall not within the Ports of Jurisdiction of the Other, be forced to unload any sort of Merchandise into any other Vessel nor to receive them into their own, nor to wait for their being loaded longer than they please.

Article 6. That the Vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the



Laws, shall be made before they are laden on board the Vessels, and that there shall be no examination after nor shall the vessel be searched at any time unless articles shall have been laden therein Clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the Laws of the land in which he is, but no other person shall be molested nor any other goods, nor the Vessel be seized or detained for that cause.

Article 7. Each party shall endeavor, by all the means in their power, to protect and defend all Vessels and other effects belonging to the Citizens or Subjects of the Other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover, and cause to be restored, to their right Owners, their Vessels and effects which shall be taken from them within the extent of their said Jurisdiction.

Article 8. The Vessels of the Subjects or Citizens of either party, coming on any Coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk shall have liberty to depart and pursue their voyage without Molestation and without being obliged to render Account of their Cargo, or to pay any duties, charges or fees whatsoever, except those established for Vessels entered into port, and appropriated to the maintenance of the port itself or of other establishments for the safety and convenience of Navigators, which duties, charges and Fees shall be the same and shall be paid on the same footing as in the Case of Subjects or Citizens of the Country where they are established.

Article 9. When any Vessel of either party shall be wrecked, foundered, or otherwise damaged on the Coast or within the dominion of the Other, their respective Subjects or Citizens shall receive as well for themselves as for their Vessels and effects, the same assistance which would be due the Inhabitants of the Country where the damage happens, and shall pay the same charges and dues only as the said Inhabitants would be subject to pay in a like case, and if the Operations of repair shall require that the whole or any part of their Cargo be unladen, they shall pay no duties, charges or fees on the part which they shall relade and carry away. The ancient and Barbarous right to wrecks of the Sea shall be entirely abolished,

with respect to the Subjects or Citizens of the two Contracting parties.

Article 10. The Citizens or subjects of each party shall have power to dispose of their personal goods within the Jurisdiction of the Other, by Testament, donation or otherwise; and the representatives being Subjects or Citizens of the other party, shall Succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such duties only as the Inhabitants of the Country wherein the said goods are, shall be subject to pay in like cases. In the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a Native in like case until the lawful Owner may take measures for receiving them, and if question shall arise among Several Claimants, to which of them the said goods belong, the same shall be decided finally by the laws and Judges of the land wherein the said goods are, and when on the death of any person holding real estate within the Territories of the one party such real Estates would by the Laws of the land descend on a citizen or subject of the Other were he not disqualified by a lineage, such subject shall be allowed a reasonable time to sell the same and to withdraw the proceeds without Molestation, and Exempt from all rights of detraction on the part of the Government of the Respective States, but this article shall not derogate in any manner from the force of the Laws already published, or hereafter to be published by his Majesty the King of Prussia, to prevent the emigration of his Subjects.

Article 11. The most perfect freedom of conscience and worship, is granted to the citizens or subjects or either party within the Jurisdiction of the other, without being liable to Molestation in that respect, for any Cause other than an insult on the religion of others, moreover when the Subjects or Citizens of the one party shall die within the Jurisdiction of the other their Bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from Violation and disturbance.

Article 12.— If one of the contracting parties should be engaged in war, with any other power, the free intercourse and commerce of the Subjects or Citizens of the party remaining Neuter with the belligerent powers, shall not be interrupted. On the Contrary, in

that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports, and on the coast of the belligerent parties, free vessels making free goods, inasmuch that all things shall be adjudged free which shall be on Board any Vessel belonging to the Neutral party, although such things belong to an enemy of the Other, and the same freedom shall be extended to persons who shall be on Board a free Vessel although they should be enemies to the Other party, unless they be Soldiers in actual service of such Enemy.

Article 13. And in the same case of one of the Contracting parties, being engaged in war with any other power to prevent all the difficulties and Misunderstandings that usually arise respecting the Merchandise heretofore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the Vessels, or by the Subjects or citizens of one of the party to the enemies of the Other, shall be deemed Contraband, so as to induce Confiscation or Condemnation and a loss of property to Individuals. Nevertheless, it shall be lawful to stop such vessels and articles and detain them for such length of time as the Captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the Captors, the whole or any part of the Military stores so detained paying the owners the full value of the same, to be ascertained by the current prices at the place of its destination but in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the Master of the vessel stopped will deliver out the goods supposed to be of Contraband Nature he shall be admitted to do it and the vessel in that case shall not be carried into any port, nor further detained but shall be allowed to proceed on her voyage.

Article 14. And in the same case, where one of the parties is engaged in war with another power that the vessel of the Neutral party may be readily and certainly known, it is agreed, that they shall be provided with Sea letters, or passports, which shall express the name, the property and Burthen of the Vessel, as also the name and dwelling of the Master, which passports shall be made out in due and good forms, (to be settled by conventions between the parties whenever Occasion shall require) shall be renewed as

often as the vessel shall return into port and shall be exhibited whensoever required, as well in the open Sea as in the port, but if the said Vessel be under Convoy of one or more vessels of war, belonging to the Neutral party the simple declaration of the Officer commanding the Convoy, that the said Vessels belongs to the party of which he is, shall be as considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Acticle 15. And to prevent entirely all disorder and Violence in such cases ; it is stipulated that when the Vessels of the Neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the Other party, such Vessel of War shall not approach within cannon shot of the said Neutral Vessel nor send more than two or three men in their boat on board the same to examine her Sea letters or passports, and all persons belonging to any Vessel of War, public or private, who shall molest, or injure in any manner whatsoever, the people, Vessel or effects of the other party, shall be responsible in their persons and property for damages and Interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Article 16. It is agreed that the subjects or citizens of each of the contracting parties, their Vessels and effects, shall not be liable to any embargo or detention on the part of the Other, for any Military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention or arrest, for debts contracted or Offences committed by any Citizen or Subject of the one party, within the Jurisdiction of the Other, the same shall be made and prosecuted by Order and Authority of the Law only, and according to the regular course of the proceedings usual in such cases.

Article 17. If any Vessel or effects of the Neutral power be taken by any enemy of the other, or by a pirate and retaken by that Other, she shall be brought into some port of one of the parties and delivered into the Custody of the Officer of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

Article 18. If the citizens or subjects of either party be in danger from tempest, pirates, enemies or other accident, shall take refuge, with their vessels or effects in the harbors or Jurisdiction of the Other, they shall be received, protected and treated with humanity and kindness and shall be permitted to furnish themselves

at reasonable prices with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their Vessel.

Article 19. The vessels of war, public and private, of both parties, shall carry freely wheresoever they please the vessels and effects, taken from their Enemies, without being obliged to pay any duties, charges or fees to Officers of Admiralty of the Customs or any others; nor shall such prizes be arrested, searched or put under legal proofs when they come to and enter the ports of the Other party, but may be freely carried out again at any time by their Captors to the places expressed in their Commissions, which the commanding Officer of such Vessel shall be obliged to shew but no vessel which shall have made prizes on the Subjects of his Most Christian Majesty, the King of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the Sea, they shall be obliged to depart as soon as possible according to the tenor of the treaties existing between his said Most Christian Majesty and the said United States.

Article 20. No citizen or subject of either of the Contracting parties, shall take from any person with which the other may be at war, any Commission or Letter of Marque for arming any vessel to act as a privateer against the Other, on pain of being punished as a pirate, nor shall either party hire, lend or give any part of their Naval or Military force to the enemy of the Other to aid them offensively or defensively against that Other.

Article 21. If the two contracting parties should be engaged in war against a common Enemy the following points shall be observed between them :

1st. If a vessel of one of the parties, retaken by a privateer of the other shall not have been in the possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo, but if she shall have been more than twenty-four hours in the possession of the Enemy she shall belong wholly to the recaptor.

2nd. If in the same case the recapture were by a public Vessel of war, of the one party, restitution shall be made to the owner for one thirtieth part of the value of the Vessel and cargo, if she shall not have been in the possession of the Enemy more than twenty-four hours, and one tenth of the said value where she shall have

been longer, which sums shall be distributed in gratuities to the recaptors.

3rd. The restitution in the Cases aforesaid shall be after due proof of property and Surety given for the part to which the recaptors are entitled.

4th. The Vessels of War public and private of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each, but the said prize shall not be discharged nor sold there, until their legality shall be decided according to the Laws and Regulations of the States to which the Captor belonged, but by the Judicatures of the place into which the prize shall have been conducted.

5th. It shall be free to each party to make such regulations as they shall judge necessary for the Conduct of their Respective Vessels of war, public and private, relative to the Vessels which they shall take and carry into the ports of the two parties.

Article 22. Where the parties shall have a common enemy, or shall both be Neutral, the vessels of war of each shall upon all occasions take under their protection, the Vessels of the Other going the same course, and shall defend such vessels as long as they hold the same course, against all force and Violence in the same manner as they ought to protect and defend Vessels belonging to the party of which they are.

Article 23. If war should arise between the two Contracting Parties, the Merchants of either Country, then residing in the Other, shall be allowed to remain nine months to collect their debts and settle their affairs and may depart freely, carrying off all their effects without Molestation or hindrance, and all Women and Children, scholars of every Faculty, cultivators of the earth, Artizans, Manufacturers, and fishermen unarmed and inhabiting unfortified Towns, Villages or places, and in general all others whose occupations are for the common Subsistence and benefit of Mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their Houses or Goods be burnt, or otherwise destroyed, nor their Fields wasted, by the armed force of the Enemy, into whose power, by the events of the War they may happen to fall, but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price, and all Merchant & trading Vessels em-

ployed in exchanging the products of different places and thereby rendering the Necessaries, Conveniences and Comforts of Human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested, and neither of the Contracting powers shall grant or issue any Commissions to any private armed Vessels empowering them to take or destroy such trading Vessels, or interrupt such commerce.

Article 24. And to prevent the destruction of Prisoners of War, by sending them into distant and inclement Countries, or by crowding them into close and noxious places the two Contracting parties solemnly pledge themselves to each Other, and to the World, that they will not adopt any such practice, that neither will send the prisoners whom they may take from the other into the east Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in Dungeons, Prisonships nor prisons nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the Officers shall be enlarged on their Paroles within convenient districts, and have Comfortable Quarters and the common men be disposed of in cantonments, open and extensive enough for exercise and air, and lodged in Barracks or rooms and as good as are provided by the party in whose power they are for their own Troops, & that the Officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, to Officers of equal rank in their own Army; and all others shall be daily furnished by them with such rations, as they allow to a common Soldier in their own Service, the value whereof shall be paid by the Other party on a Mutual adjustment of Accounts for the Subsistence of Prisoners at the close of the War; and the said Accounts shall not be mingled with, or set off against any others, nor the balances due on them be withheld as a Satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a Commissary of Prisoners of their own appointment with every separate Cantonment of Prisoners, in possession of the Other, which Commissary shall see the Prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their Friends, and shall be free to make his reports in open

letters to those who employ him, but if any Officer shall break his parol or any other Prisoner shall escape out of the limits of his cantonment after they shall be designated to him such individual Officer or other Prisoner shall forfeit so much of the Benefit of this Article as provides for his enlargement on parol or cantonment, and it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or Suspending this and the next preceding Article, but on the Contrary that the state of the war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of Nature or Nations.

Article 25. The two Contracting parties grant to each other the liberty of having each in the ports of the Other, Consuls, Vice-Consuls, Agents and Commissary of their own appointment, whose function shall be regulated by particular agreement, whenever either party shall chose to make such appointment but if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages, to which the private individuals of their Nation are submitted in the same place.

Article 26. If either party hereafter shall grant to any other Nation, any particular favor in Navigation or Commerce, it shall immediately become common to the Other party freely, where it is freely Granted to such other Nation, or on yielding the Compensation where such Nation does the same.

Article 27. His Majesty the King of Prussia, and the United States of America, agree that this Treaty shall be in force during the term of ten Years from the exchange of ratifications, and if the expiration of that term should happen during the Course of the war between them, then the Articles before provided for the regulation of their Conduct during such a war shall Continue in force, until the Conclusion of the Treaty, which shall re-establish peace; and that this Treaty shall be ratified on both sides and the ratifications exchanged within one Year from the day of the Signature.

In Testimony whereof the Plenipotentiaries before Mentioned, have hereto Subscribed their names, and affixed their Seals, at the



places of their respective residence, and at the dates expressed under their several Signatures.

F. G. DE THULEMIER, (L. S.)

A la Hage, le 10 Septembre, 1785.

THOS. JEFFERSON, (L. S.)

Paris, July 28th, 1785.

JOHN ADAMS, (L. S.)

London, August 5th, 1785.

B. FRANKLIN, (L. S.)

Passy, July 9, 1785.

Now, Know that we the said United States in Congress Assembled, having considered and approved do hereby ratify and Confirm the said Treaty and every Article and Clause therein contained.

In testimony whereof, we have caused our Seal to be hereunto Affixed.

[Seal] Witness the Hon. Nathaniel Gorham, our Chairman, in the absence of His Excellency John Hancock, our President, the Seventeenth day of May in the Year of our Lord, One Thousand Seven Hundred and Eighty-six, and in our Independence and Sovereignty, the tenth.

CHAS. THOMSON, Sect'y.

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ROBT. MORRIS, ESQR., TO THE BOARD OF TREASURY.

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[From Executive Letter Book.]

PHILADELPHIA, May 18th, 1786.

(Copy.)

GENTLEMEN :

I am honored with the receipt of your letter of the 12th which came to my hand the 16th Inst. I should have no hesitation about purchasing the North Carolina Tobacco, was there a Certainty of the Quality being Merchantable, and that the quantity would be delivered without delay, but as I believe there is not an Inspection Law in North Carolina, and former experiences have taught me, that the Public do not always obtain the best goods when they make pur-

chases, the quality of the Tobacco in question can not I apprehend be expected to be of the best, and His Excellency the Governor in his letter of the 3rd of April, only says that some of the Tobacco has already been purchased and that 400 Hhds. will shortly be ready for Shipping from the Town of Washington and 400 Hhds. from Edenton, of the 600 Hhds. expected from Fayetteville he had no return. The time of delivering therefore appears too uncertain for me to agree to payments fixed by Installments at Certain periods taken from the date of any agreement that can now be made, and under these circumstances I should rather decline the purchase as I am now buying very currently in Virginia and Maryland at prices satisfactory to the people there, as well as myself. The Tobacco, being Inspected according to Law, I have perfect Security as to the quality, and delivery is certain. I am also in the way of buying there a larger Quantity than I want for this Year. Owing to the present state of the European Markets which are such as deter even the Scotch Factories (formally the great exporters of Tobacco) from shipping and many of them are now selling to my Agents the Tobacco they received in payment of Debts and for Goods and Charter their Ships to carry it. This state of things however convinces me that the State of North Carolina or the United States must suffer very greatly by any Shipments made to Europe, and therefore I will make an offer which you will accept or reject at pleasure. I will give twenty shillings Virginia Currency or three Spanish dollars and one third for so much of the North Carolina Tobacco as shall be of a quality equal to the Fredericksburg Inspection and three dollars for all such as are equal to the Eastern shore of Maryland and Virginia Inspections, to be paid in the manner you mention but the several Installments to be computed from the dates of the several Bills of Lading and I will employ an Agent to inspect, receive and Ship the Tobacco as fast as I can obtain the delivery of it.

I am purchasing on the Eastern Shore for three dollars per 100 pounds and in other parts of Virginia and Maryland at 20/ Virginia Currency, except the Richmond and Petersburg Inspection are some what higher.

Altho' I have so managed as to Ship largely of those quantities at 20/ per 100 pounds, and in all this business my arrangements are so made and taken that I have no trouble, expence or uncer-

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tainty; in that which is now in Contemplation you will readily see, it will be much the Reverse.

I have the Honor to be, Gentlemen,  
Your most Obedient  
And very Humble Servt.,  
ROBERT MORRIS.

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BOARD OF TREASURY TO R. MORRIS, ESQR., RESPECTING TOBACCO.

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[From Executive Letter Book.]

BOARD OF TREASURY, May 23rd, 1786.

SIR :

We have received your letter of the 18th Inst., in answer to ours of the 12th. We immediately conferred with the Delegates of the State of North Carolina on the subject of your proposition which in our opinion was an eligible one excepting in two points, the first confining the Inspection to the Sole judgment of your Agent; the second, computing installments of payment from the date of the Bill of lading, not from the delivery of the Tobacco to your Agent. As the price you Offer (though a fair one) was greatly below the price at which Tobacco was purchased in North Carolina, we wished to have the sanction of the Delegates to our proposed agreement with you that no difference might hereafter arise as to the proper Credit the State should have with the United States on Account of this Negotiation. On examining the Law of their State relative to the Purchase of this Tobacco, they did not conceive themselves empowered to give this Sanction, and as the Act merely directs that the Tobacco purchased by the State should be Shipped to such ports in Europe, the West Indies or elsewhere as the Board of Treasury should advise, we have judged it most advisable to confine ourselves at present to the directions of the Act till we can learn the Opinion of the Governor and Council of the State on your proposition. In the mean while we have advised the Governor and Council to Ship it from time to time in Coasting Vessels to this port or Philadelphia taking care not to send any that is damaged or of a very inferior Quailly. The danger and delay attending the loading

of Vessels in North Carolina will we presume induce purchasers to give in the price of Tobacco very nearly the difference, if the Coasting Freight is to have it delivered at this Port or at Philadelphia; besides, its being under our immediate Eye a more determined Contract can be made for it than under the present Circumstances. When we wrote to you on this Subject we presumed the Honorable the Delegates of North Carolina would have no scruples in giving their sanction to any agreement we might enter into, or we should not have asked you for the propositions as to the purchase. We shall, however, advise you from time to time of the arrival of the Tobacco, and of the Governor's opinion as to the terms you offer, not doubting it will be more eligible to you to receive the Tobacco at the Ports we have mentioned than in North Carolina, provided the Terms are as agreeable.

We are Sir,

Your obedient Humble Servants,

SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

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GOV. CASWELL TO JNO. C. BRYAN, ESQR.

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[From Executive Letter Book.]

KINGSTON, May 24th, 1786.

SIR:

As I understand one of the Negroes brought from Nova Scotia by Captain Wheeler, named Dominick, is still in your Custody claimed by Mr. Abner Neale in behalf of Mr. Motte Ball, of Virginia; and altho' some proof hath been laid before me, I do not Judge it sufficient to direct a delivery of the Negro, but in order to give Mr. Ball a further opportunity of establishing his title, if such he has to the said Negro, I hereby require you to detain the Negro aforesaid in your Custody until you hear further from me on that subject, my former directions respecting the delivery of the Negroes to Mr. Wheeler to the Contrary notwithstanding.

I am Sir, your most Obedt. Servt.,

R. CASWELL.

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JNO. HAYWOOD, ESQ., TO GOV. CASWELL, RESPECTING TOBACCO.

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[From Executive Letter Book.]

TARBOROUGH, May 26th, 1786.

SIR :

Your Excellency will permit me at this late day to do myself the Honor of acknowledging the receipt of your letter by Mr. Bignall. I should long ere this have complied with the directions therein contained had I not been prevented in the first Instance by indisposition and in the second by being compelled to go twice to Hillsborough in quest of Money. I would now however beg leave to inform your Excellency, that I have on hand of public Tobacco to the amount of three hundred and sixty-three thousand weight and upwards, the greater part of which is stored at Washington, to which place I hope in a very few days to get to the full amount of my purchases. If your Excellency has it yet in your power to give any Instructions as to the future disposition of this Tobacco I would thankfully receive them; if you have not, suffer me to request you will be so obliging as to let me know by the return of the Bearer when you are of opinion it is probable you shall be.

Be pleased to accept of my most respectful Compliments and best wishes and believe me to be.

With every sentiment of

Respect and Esteem,

Your obedient Servant,

J. HAYWOOD.

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GOV. CASWELL TO JOHN W. STANLEY, ESQR.

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[From Executive Letter Book.]

KINSTON, May 27th, 1786.

SIR:

Agreeable to your request signified in your Letter I had the honor to receive from you of the 25th Current. Herewith is enclosed an order to the Sheriff to detain the negro you claim for Mr. McConnico.

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The Bill of Sale should be proved as well as the Identity of the Negro previous to his being delivered and as this may be the means of delay to Mr. Wheeler, however wrong he may have acted, it is but just that his delay may be made as short as possible, you will therefore be pleased to obtain the proper proofs as soon as practicable.

I am Sir,  
Your most obedient Servant,  
R. CASWELL.

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GOV. CASWELL TO JOHN COUNCIL BRYAN, ESQUIRE.

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[From Executive Letter Book.]

KINSTON, May 27th, 1786.

SIR :

Application hath been made to me in behalf of Mr. Christopher McConnico, of Virginia, respecting a Negro Man named Jack now in your Custody being one of those brought into this State by Mr. Wheeler, and altho' the proof hitherto is not so satisfactory as to induce an Order for the Delivery of the Negro, there is a strong presumption that this Negro is Mr. McConnico's property.

You are therefore required to detain the said Negro Jack in your Custody until you receive further instructions from me, any Order heretofore to the contrary notwithstanding.

I am Sir,  
Your most obedient Servant,  
R. CASWELL.

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ORDERS TO JOHN C. BRYAN, ESQ.,

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[From Executive Letter Book.]

Richard Caswell, Esquire, Governor, Captain General and Commander in Chief, in and over the State of North Carolina, to The Sheriff of Craven County, Greeting :

Whereas, Jean Baptiste Petry, Vice Consul of France for this State in a certain Controversy lately before him between Frederick Rheinslvald in behalf of Jacques Coulongnac & Company and Xavier Martin, Subjects of his most Christian Majesty, did by his Sentence in the month of February last at New Bern in the State aforesaid finally determine that the said Xavier Martin should pay unto the said J. J. Coulongnac & Company the sum of five hundred & eighty-nine pounds fourteen shilling and eleven pence North Carolina Currency. And

Whereas, The said Vice Consul hath besought me to cause the said sentence or determination to be carried into execution. You are therefore in virtue of an Act of the General Assembly of the State aforesaid entitled "an Act for protecting and encouraging the commerce of nations acknowledging the Independence of the United States of America," passed the tenth day of May Anno Domini, 1780, and by the advice of the Council of State, hereby Commanded and ordered to carry the sentence or determination of the said Vice Consul in the case aforesaid into effect by taking the body of the said Xavier Martin and keeping him safely in your Custody until the amount of the said sentence or Determination be satisfied, unless otherwise released and make due return hereof.

Given under my hand & seal at Kinston the 7th day  
[Seal] of November, Anno Domini, 1786.

R. CASWELL.

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EXTRACT OF A LETTER FROM MR. JEFFERSON TO MR. JAY.

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[From Executive Letter Book.]

27th May, 1786.

As to the Article of Tobacco, which had become an important Branch of Remittance to almost all the States, I had the Honor of communicating to you my proposition to the Court to abolish the monopoly of it in their Farm; that the Count de Vergennes was, I thought, thoroughly sensible of the expediency of this Proposition, and Disposed to befriend it; that the renewal of the Lease of the Farms had been Consequently suspended six months and was still in suspense, but that so powerful were the farmers general, &c., that I despaired of preventing the Renewal of the Farm at that time. Things were in this State when the Marquis de la Fayette returned from Berlin. On communicating to him what was on the Carpet, he proposed to me a Conference with some persons well acquainted with the commercial System of this Country; we met, they proposed endeavoring to have a Committee appointed to enquire into the Subject. The proposition was made to the Count de Vergennes who befriended it, and had the Marquis de la Fayette named a Member of the Committee, he became of course the Active and truly Zealous Member for the Liberty of Commerce, others tho' well disposed, not chosing to oppose the Farm openly. This committee, has met from time to time, it showed an early and decisive conviction that the Measure taken by the Farm to put the purchase of their Tobaceo into monopoly on that side the Water, as the sale of it was on this, tended to the Annihilation of Commerce between the two Countries, various Palliatives were proposed from time to time. I confess that I met them all with Indifference; my object being a radical cure of the evil by discontinuing the Farm, and not a mere assuagement of it for the present Moment, which rendering it more bearable, might lessen the Necessity of removing it totally and perhaps prevent that removal. In the mean time the other branches of the Farm rendered the Renewal of the lease Necessary; and it being said to be too far advanced to have the Article of Tobacco Separated from it, it was Signed in the



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Month of March while I was in England, with a Clause which is usual, that the King may discontinue when he pleases, on certain Conditions. When I returned I found here a Memorial from the Merchants of L'Orient, complaining of their having 6,000 Hogsheads of Tobacco on hand, and of the distresses they were under from the loss of this Medium of remittance. I enclosed it to the Count de Vergennes, and asked his Interference. I saw him on the 23rd instant & spoke to him on the Subject, he told me there was to be a Committee held the next day at Berne, the Seat of the Comptroller General, and that he would attend to it himself to have something done. I asked him if I was to Consider the expunging that article from the Farm as desperate. He said that the difficulty of changing so ancient an Institution was immense, that the King draws from it a revenue of 29 millions of livres, that an interruption of this revenue at least if not a diminution, would attend a change, that their Finances were not in a Condition to bear even an interruption, &c. Incidents enough will arise to keep this Object in our View, & to direct the attention to it, as the only point on which the Interest and Harmony of the two Countries (so far as this Article of their Commerce may Influence) will ultimately find repose. The Committee met the next day, the Only Question Agitated was how best to relieve the Trade under its double Monopoly the Committee found themselves Supported by the Presence and Sentiments of the Count de Vergennes. They therefore Resolved that the Contract with Mr. Morris, if executed on his part, might not be annulled here, but that no Similar one should ever be made hereafter, that so long as it continued, the Farmers should be obliged to purchase from twelve to fifteen thousand Hogsheads of Tobacco a year over and above what they should receive from Mr. Morris, from such Merchants as should bring it in French or American Vessels, on the same Conditions contracted with Mr. Morris, providing, however, that when the Cargo shall not be Assorted, the prices shall be 38l. 36l. & 34l. for the 1st, 2nd & 3rd Qualities of whichsoever the Cargo may Consist. In case of dispute about the Quality, Specimens are to be sent to the Council, who will appoint persons to examine & decide on it. This is indeed the least bad of all the palliatives which have been proposed, but it contains the seeds of perpetual Trouble. It is easy to foresee that

the Farmers will Multiply difficulties and Vexations on those who shall propose to sell to them by force, and that these will be making perpetual complaint, so that both parties will be kept on the fret. If without fatiguing the friendly dispositions of the Ministry, this should give them just so much Trouble as may induce them to look to the Demolition of the Monopoly as a desirable point of rest, it may produce a permanent as well as a temporary Good; this determination of the Committee needs the King's Order to be carried into Effect. I have been in hourly Expectation of receiving official information, that it is ultimately confirmed by him, but as yet it is not yet come and the post will set out to-day, should it arrive in time I will enclose it. Should it not arrive, as I do not apprehend any danger of its being rejected, or even attend materially seeing that M. de Calonne acquiesced. I have supposed you would wish to be apprised of its Substance, for a Communication of which I am indebted to the M. de Fayette. Though you cannot publish it formally till you know it is confirmed by the King, yet an unauthoritative kind of Notice may be given to the Merchants to put them on their Guard, otherwise the Merchants here, having first Knowledge of it, may, by their Agents, purchase up all the Tobaccos they have on hand at a low price, and thus engross to themselves all the Benefit.

In the same Letter I mentioned that the Rice of Carolina compared with that of the Mediterranean, was better and dearer. This was on my own Observation, having examined both in the Shops here, where they are retailed. Further enquiry gives me reason to believe that the Rice of Carolina on its arrival is fouler and cheaper, and it is obliged to be cleaned here before it is saleable, that this advances the Rice, but at the same time the quality also, beyond that of the Mediterranean; whether the trouble of this operation discourages the Merchant or the Price the Consumer, or whether the Merchants of Carolina have not yet learnt the way to this Market, I cannot tell. I find in fact that but a small proportion of the Rice consumed here is from the American Market, but the consumption of this article here is immense. If the makers of American Rice would endeavor to adopt their preparation of it to the Taste of this Country so as to give it over the Mediterranean Rice the advantage of which it seems Susceptible, it would very much Increase the Quantity for which they may find sale; as far as I have

been able to find, it is received here on a favorable footing. I have the Honor to enclose a Copy of the Contract with Mr. Morris, &c.

COPY OF THE CONTRACT BETWEEN THE FARMERS GENERAL AND ROBT.

MORRIS, ESQR.

We, the undersigned, Robert Morris, heretofore Superintendent of the Finances of the United States of America, residing in Philadelphia, on the one part & Le Normand receiver general of the Finances of the Generality of Rochelle, residing in Paris, on the other Part, have agreed and have respectively treated with each other about the sale & purchase of 60,000 Hogsheads of Tobacco, from Nine to Ten Hundred Weight, of the different growths of the Continent of America, on the following terms, and conditions, viz : that I, Robert Morris, engage on my part. 1st. To Ship and deliver at the several Ports of France hereafter Specified, the whole at my Hazard and Risk until the Total delivery to the said Seiur le Normand 60,000 Hogsheads of Tobacco in the Space of the three successive years of 1785, 1786 & 1787, at the rate of 20,000 Hogsheads per Annum. †

2nd. I moreover engage to Assort each annual Complement in the following proportions, viz : one fourth part James and York river Tobacco, half Potomac & Rappahannock, and the Other fourth Maryland Tobacco. One third of which at least fit for Smoking, the whole of the first Qualities fit for France.

3rd. I also oblige myself to Ship the sufficient Quantities in Vessels which shall be American in preference to French, that the quantity of 20,000 Hogsheads shall arrive in the Ports of Bourdeaux, Havre de Grace, Dieppe & Morlaix in the following proportions, viz :

|       |           |                    |
|-------|-----------|--------------------|
| 7,000 | Hogsheads | to Bourdeaux.      |
| 7,000 | do        | to Havre de Grace. |
| 3,000 | do        | to Dieppe.         |
| 3,000 | do        | to Morlaix.        |

Observing that the proportion of Maryland Tobacco fit for Smoking, shall for preference be Comprehended in equal Proportions in Parcels sent to Morlaix, Bourdeaux, and Havre. And in case where any Shipments shall exceed in one year the aforesaid Distribution, the excess shall be taken in Augmentation to Havre de Grace.

4th. The Tobacco Shipped and delivered in Conformity to the aforesaid shall be paid for by the said Sr. Le Normand to me at the price of 36 Livres tournois for each Hundred Weight, mark weight, and the said Sr. Le Normand shall discharge the Amount of each Cargo within a Month after delivery to Messrs. Le Coutuelx and Company my bankers in Paris, deducting however, two Livres Tournois for each Hundred mark weight for the reimbursement of a Million advanced which the said Sr. Le Normand has put into the Hands of the Aforesaid Messrs. Le Couteulx & Company to be held at my disposal, as appears by their Receipt at Foot of the present Contract.

5th. I consent that the two Thousand Hogsheads of which I have given advice by my Letter of 27th October to the said Sr. le Normand, of the Purchase and Speedy loading for the Port of Havre de Grace shall make part of my first delivery for this Year, and shall be paid for to me at the price of 36 livres tournois with the deduction of 2l. tournois P. Cwt. as is Specified in the preceding Article.

6th. For the mode of delivering the Tobacco, it shall be taken out of the Hogsheads, and none shall be rejected but what is damaged, then the Tobacco shall be weighed on the Quay and received at the weight it really weighed; it shall be at my Risk and Expence.

7th. The damaged Tobacco shall be cut and sent to some other place if my correspondents shall think proper, otherwise it shall be burned in their Presence, and I, Le Normand accept in General and Submit to all the Clauses and Conditions Mentioned in the Seven foregoing Articles, and as a preliminary to the present Contract I have remitted the Sum of a Million of Livres Tournois Mentioned in the 4th Article, to Messrs. le Coutuelx & Company as appears by their Receipt Annexed at Foot of the present Contract for the said Sum, to be reimbursed conformably to the said Article. I moreover consent.

1st. That in case that Vessels employed in the business shall become Subject to greater, or new, duties or Taxes than what the French Vessels coming from France pay, the aforesaid duties shall be charged to me.

2nd. That all the duties which hereafter or posterior to the present Treaty, may be put either on the Exportation from America or on the Importation into France, shall be charged to me, & in consequence I will be accountable to Mr. Robert Morris for those which may

happen in America, on the Exportation at the Rate of 5-5 tournois for each Hard dollar, and this upon an Authentic Certificate that the duty is imposed.

3rd. I engage that the Farmers General shall not make directly or indirectly any Purchases of Tobacco in America, & consequently if I have occasion for a Greater quantity of Tobacco it shall be furnished to me on the same price and conditions.

Done in five parts at Paris, four of which to be sent to America by the English & French Packets, the fifth to be deposited in the hands of Messrs. le Couteulx and Comp'y at Paris 11th Jan'y, 1785.

Signed, LE. NORMAND.  
Receiver General of Finances.

Signed at Phil'a 10th April 1785.

ROBERT MORRIS.

Certified to be true and conformable to the Original in my hands, at Paris the 20th Feb'y 1786.

Signed, LE. NORMAND.

In the Margin is written :

We the undersigned acknowledge to have Received from Mr. Le. Normand Receiver General of the Finances of the Generality of la Rochelle, the Sum of one Million Livres tournois, in effects to our Satisfaction, which we promise to Hold at the disposal of Mr. Robt. Morris, heretofore Superintendant General of the Finances of the United States of America, after the Absolute Acceptation of the present Treaty, Duplicate of which has been placed in our Hands at Paris 11 January, 1785.

Signed, LE COUTEULX & COM'PY.  
To Mr. Jefferson from De Vergennes.

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VERSAILLES, 30th May, 1786.

I take the earliest opportunity to inform you Sir, that notwithstanding the Treaty which the Farmers General have made with Mr. Robert Morris, for the delivery of a certain quantity of Tobacco, they have just Concluded to take in the way of Trade as much as 15,000 Hogsheads Per Annum. To let you understand better the Extent of the decision in question, I send it to you in the Extract enclosed. I beg that you will make it known both in America, as

also to the Americans, Owners of Vessels who may be found in our ports so as that they may direct their Commercial Speculations accordingly.

I have the honor to be, &c.,  
Signed, DE VERGENNES.

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RESOLVE OF A COMMITTEE HELD AT BERNE, 24<sup>TH</sup> MARCH, 1786.

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The Committee resuming their former Deliberations respecting a Treaty made with Mr. Morris, informed of the Circumstances in which it was made, also informed of the dispatch of twelve thousand Hogsheads of Tobacco, the approaching arrival of which has been announced by Mr. Le Couteulx, the Correspondent of Mr. Morris, have unanimously thought that the Execution of the Treaty ought to Extend until the first of January, 1788, saving the right of annulling in case of failure of Execution on the part of the said Mr. Morris, the Condition of the said Treaty ; taking afterwards into Consideration, the Interest of the National Commerce with that of the United States have agreed on the Resolutions hereafter enumerated.

1st. After the Expiration of the Treaty with Mr. Morris, there shall be made no more Bargains of the same kind.

2d. The Farmers General shall always have in his Magazines a Necessary supply for the Exercise of his Privilege, which supply shall be formed as well by what shall be furnished by the Contract with Mr. Morris, as by what he shall procure by Means of Commerce.

3d. To secure this Supply the Farmers General shall purchase, during the Continuation of the Contract with Mr. Morris, only the Tobacco which can be furnished by trade and brought in French or American Vessels to Amount of 12 or 15,000 Hogsheads every year, at the same price, and on the same Conditions, stipulated with the said Mr. Morris.

4th. In cases where Cargoes shall not be assorted, the Tobacco shall be paid for at the following prices :

|                                           |          |      |
|-------------------------------------------|----------|------|
| 1st Quantity James and York River Tobacco | Nt. Cwt. | 38/. |
| 2nd Quantity Potomac & Rappahannock       | do       | 36/. |
| 3rd do Maryland Tobacco                   | do       | 34/. |

All the first Qualities of each kind for France.

5th. In case of difficulty respecting the Quality, samples shall be sent to the Council and it shall be determined by a Commission which shall be authorized to have the Samples Examined by such persons as may be proper.

6th. When the Tobacco furnished by the Americans shall not be delivered in a Manufacturing Port, there shall be deducted from the Stipulated prices 30 sous per net. Quintal for Expences of transportation.

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BOARD OF TREASURY TO GOV. CASWELL, RESPECTING TOBACCO.

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[From Executive Letter Book.]

BOARD OF TREASURY, May 29th, 1786.

(Duplicate.)

SIR :

We are honored with your Excellency's Letter of the 3rd April, transmitting an Act of the Legislature of the State of North Carolina, relative to the purchase of 1400 Hhds. of Tobacco for the purpose of applying the proceeds towards the State's Quota of Taxes due to the United States.

On a Conference with the Honorable Mr. Blount on this subject, we concurred in opinion, that if Purchasers could be found for the Tobacco, either here or at Philadelphia, who would pay the amount into the Treasury before the first of January, 1787, it would be more eligible both for the State, as well as the Union, than to ship it in a Foreign Speculation.

Mr. Robert Morris being the Contractor for supplying the Farmers General in France with Tobacco, occurred to us as the most proper person in the first Instance to be applied to for an offer. Enclosed you have Copies of the Correspondence which has passed betwixt the Board and the Gentleman on that subject. On mature reflection we are of opinion, that the Offer made by Mr. Morris was Advantageous for the State, with an alteration in the two points Mentioned in our Letter to him, and if the Honorable the Delegates, would have sanctioned with their opinion, the Price at which he offered to receive the Tobacco, so that no discussion might hereafter

arise as to the proper Credit betwixt this State and the United States we should undoubtedly have endeavored to close a Contract with him for the purchase. As these Gentlemen however did not deem themselves authorized to take this upon themselves, we have Judged it most prudent in the first Instance to Confine ourselves to the directions of the Act, which authorizes the Board as to the Port of Shipment.

We have therefore to recommend the forwarding of the Tobacco without delay in Coasting Vessels to the ports of New York and Philadelphia, where we presume we shall be able to make Contracts for it with reputable Houses ; provided care is taken in shipping it in good order, and of a Quality not too inferior for the Foreign Markets. In the mean while we wish your Excellency and the Council to give your opinion as to the propositions made by Mr. Morris, as it will in a great degree serve for our Government in any Contracts which we may think it advisable to enter into for the sale of it. Though it is out of the strict line of our duty to receive from the States any Species payments whatsoever, but what is pointed out by the Requisitions of Congress, we shall always be disposed to facilitate the payment of Taxes into the Public Treasury from any State as far as we can do it consistently with that General Justice which is due to the different Members of the Union. If therefore the State of North Carolina obtains a Credit in the Treasury adequate, to the Market Value of the Tobacco purchased in pursuance of the Act of which you have favored us with an Extract, we doubt not you will be of opinion, that everything is done in behalf of the State which can be expected.

A doubt however, arises whether this Board are to make the arrangements for the sale of Tobacco, or the Commissioners for it appears by the Act, that altho' we are directed to point out the places to which, and the persons to whom Shipments are to be made, that the Commissioners are to obtain proper Releases for the payment of the proceeds into the Treasury of the United States. We wish to ascertain what were the Intentions of the Legislature in this respect that we may as nearly as possible Act in conformity to it.

With respect however to the Shipment of the Tobacco either to the Ports of New York or Philadelphia, we only mean to advise it in case your Excellency does not think proper to approve of Mr. Morris receiving it in the State ; which we confess appears to us



most eligible, provided that Gentleman will agree to the alterations we have suggested in our Letter. But whether it is ultimately intended for shipment, Coastwise or to Europe, it is essentially necessary that no time should be lost, in forwarding the Tobacco to the destined places of Shipment which appear by your Letter to be Washington, Edenton and Wilmington, and that this Board should be immediately advised at what places, and in what Quantities the Tobacco is Collected and to whom application is to be made for the delivery.

We are with Sentiments of Esteem,

Your Excellency's most Obdt.

And Humble Servants,

SAMUEL OSGOOD &

WALTER LIVINGSTON.

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GOV. CASWELL TO JOHN HAYWOOD, ESQR.

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[From Executive Letter Book.]

KINSTON, May 30th, 1786.

DEAR SIR:

I am honored with your letter of the 26th Current, and am much concerned to hear of your having been indisposed and the trouble you have been at in travelling twice to Hillsborough, in quest of money; of the first I sincerely hope you are recovered, and that you have obtained the latter.

I took it for granted from your former information, that your purchases would be soon completed & wrote to the Board of Treasury, suggesting to them that about 200,000 pounds of Tobacco would be in readiness to ship from Washington to such port as they would advise, and requesting their directions as soon as possible. This letter was put in the hands of Col. William Blount, from whom I have not heard since his arrival at New York, but the vessel he went in to Philadelphia is returned. Mr. J. G. Blount writes me he imagines his Brother must have been at New York about the 8th of this month, if so, we must shortly hear from him, and I presume from the Board of Treasury. Whenever the latter is the

case, you may rely on my giving you by express the earliest information. With the sincerest esteem and regard,

I am Dr. Sir,

Your mo. ob. Servt.,

R. CASWELL.

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LETTER FROM ROBERT MORRIS TO BOARD OF TREASURY.

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[From Executive Letter Book.]

PHILADELPHIA, May 30th, 1786.

GENTLEMEN :

I have been duly Honored with the receipt of your letter of the 23rd inst. The two points you mentioned as objectionable in my propositions might have been got over, indeed one of them did not exist in my intention, that of Confining the Inspection solely or exclusively to my Agent and the other, was only proposed on account of the delays which Generally take place in making Shipments from North Carolina. As to the Cost of this Tobacco in North Carolina it may probably be difficult to ascertain what it really was, for I have been told that the purchase was made with depreciated paper currency. On the whole it appears to me that you have determined wisely all circumstances considered, and whenever you have anything farther to propose on this Subject, I shall pay prompt attention to your advices.

With great respect,

I am Honbl. Gentlemen,

Your mo. ob. humbl. Servt.

ROBERT MORRIS.

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PROPOSALS OF NICH. ROMAYNE, ESQR, FOR PURCHASING TOBACCO.

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[From Executive Letter Book.]

NEW YORK, June 1st, 1786.

(Copy).

GENTLEMEN :

Having this Morning spoken to Mr. Walter Livingston, one of your Honorable Board, with respect to the Tobacco belonging to the State of North Carolina, the Quantity supposed to be between twelve and fourteen Hundred Hogsheads, sixteen thirty-sixths of which being at Wilmington, ten thirty-sixths at Washington, and the other ten thirty-sixths at Edenton, I now beg leave to lay before you, proposals for the aforesaid quantity of Tobacco.

I have the honor to be,

With much respect,

Your Obedient Servant,

NICH. ROMAYNE.

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PROPOSALS TO THE COMMISSIONERS RESPECTING TOBACCO.

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[From Executive Letter Book.]

Proposals made by Nicholas Romaine to the Honorable Samuel Osgood, Walter Livingston and Arthur Lee, Esquires, Commissioners of the Board of Treasury for the Tobacco as Mentioned on the other side.

First. The Tobacco to be delivered in Shipping Order at the Towns of Wilmington, Washington and Edenton, to an Agent appointed by the said Nicholas Romaine, and if by the said Agent required; no part of said Tobacco shall be understood to be in Shipping Order unless reinspected at the aforesaid Towns by the Public Inspector, and that not at the Expence of the Contractor.

Secondly. For every Hundred pounds Weight of the said Tobacco delivered agreeably to the above Article to such Agent as may be appointed by the said Nicholas Romaine, he will engage to pay to the said Commissioners of the Treasury of the United

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States, or their Order, three Spanish Milled dollars and one fourth of a dollar in three Equal payments, that is to say one third in three Months, One third in Six Months, and the remaining one third in Nine Months, to be computed from the date of Receipts of such Agents for such delivery, provided it shall be understood no computation shall be made or any Receipt which does not Specify as much as two Hundred thousand pounds Weight, 200,000, unless in the case of the delivery of the last Quantity which may not amount to so much.

Thirdly. The said Nicholas Romaine engages that his Agent as by him named, shall at all times be ready to receive the said Tobacco, when tendered by persons Authorized, he having ten days previous notice of the Quantity to be delivered.

Fourthly. If the Governor and Council of the State of North Carolina or other Public Body, or any description of persons sufficiently Authorized shall accept these proposals and inform him the said Nicholas Romaine or his Agent or Agents in North Carolina thereof, then the said Acceptance shall be binding on him fully to Comply with and Accept of the same and Abide thereby.

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HON. CHAS. THOMSON, SECRETARY OF CONGRESS, TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,

June 1st, 1786.

SIR :

Pursuant to order I have the Honor to transmit to your Excellency herewith enclosed a state of the Representation in Congress for the last two months, to be communicated to your Legislature.

In the course of this, or the ensuing week I shall transmit to your Excellency a Continuation of the Journal up to the present time.

In the mean while, I have the Honor to be,

With the greatest respect,

Your Excellency's Most Obedient &

Most Humble Servant.,

CHAS. THOMSON.

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF APRIL, 1786, PURSUANT TO ACT OF 17TH AUGUST, 1785.

[From Executive Letter Book.]

| Members in Town.....                                                      | 3 | 4 | 5 | 6 | 7 | 10 | 12 | 13 | 17 | 18 | 19 | 20 | 21 | 24 | 25 | 26 | 27 | 28 |
|---------------------------------------------------------------------------|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|
| New Hampshire---Mr. Long,<br>Mr. Livermore.....                           | r | r | r | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| Massachusetts—Mr. Gorham,<br>Mr. King, Mr. Dane.....                      | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Rhode Island.....                                                         | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| Connecticut--Mr. Johnston, Mr.<br>Mitchell.....                           | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| New York—Mr. Platt, Mr. Smith,<br>Mr. Lawrence.....                       | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | 1  | 1  |
| New Jersey—Mr. Symmes, Mr.<br>Hornblower.....                             | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Pennsylvania—Mr. Pettit, Mr.<br>Bayard, Mr. Wilson, Mr. St.<br>Clair..... | . | . | . | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Delaware . . . . .                                                        | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| Maryland—Mr. Hindman, Hr.<br>Haneson.. . . .                              | r | r | r | r | r | 1  | 1  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Virginia—Mr. Grayson, Mr. Mon-<br>roe, Mr. Lee, Mr. Carrington...         | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| North Carolina.....                                                       | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| South Carolina—Mr. Pinkney,<br>Mr. Ramsey, Mr. Kean.....                  | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Georgia . . . . .                                                         | . | . | . | . | . | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  | .  |
| The States represented.....                                               | 8 | 8 | 8 | 8 | 8 | 7  | 7  | 8  | 7  | 7  | 7  | 7  | 7  | 8  | 8  | 8  | 7  | 7  |

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF MAY, 1786, PURSUANT TO THE ACT OF AUGUST, 1785.

[From Executive Letter Book.]

| Members in Town                                                              | 1 | 2 | 3  | 4  | 5  | 6 | 8  | 9  | 10 | 11 | 12 | 15 | 16 | 17 | 18 | 19 | 22 | 23 | 24 | 25 | 26 | 29 | 30 | 31 |
|------------------------------------------------------------------------------|---|---|----|----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| New Hampshire—<br>Mr. Long .....                                             | 1 | 1 | 1  | 1  | 1  | 1 | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |
| Massachusetts—<br>Mr. Gorham, Mr.<br>King, Mr. Dane,<br>Mr. Ledgewich.       | r | r | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Rhode Island—Mr.<br>Manning .....                                            |   |   | 1  | 1  | 1  | 1 | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |
| Connecticut—Mr.<br>Johnston Mr.<br>Mitchell .....                            | r | r | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| New York — Mr.<br>Lawrence, Mr.<br>Smith, Mr.<br>Haring .....                | r | r | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | 1  | r  | r  | r  | r  | r  | r  | r  | r  |
| New Jersey—Mr.<br>Symmes Mr.<br>Hornblower ...                               | r | r | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | 1  | 1  | 1  | 1  | r  | r  | r  | r  | r  | r  |
| Pennsylvania—Mr.<br>Pettit, Mr. Bay-<br>ard, Mr. Wilson,<br>Mr. St. Clair... | r | r | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | 1  | r  | r  |
| Delaware — Mr.<br>Patten, Mr.<br>Rodney .....                                | 1 | r | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  |    |    |    |    |    |    |    |    |    |
| Maryland — Mr.<br>Hindman, Mr.<br>Haison .....                               | r | r | r  | r  | 1  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Virginia—Mr Gray-<br>son, Mr. Monroe,<br>Mr. Carrington,<br>Mr. Lee .....    | r | r | r  | r  | 1  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| North Carolina—<br>Mr. Blount, Mr.<br>Bloodworth, Mr.<br>White .....         |   |   | r  | r  | r  | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | 1  |
| South Carolina—<br>Mr. Ramsey, Mr.<br>Pinkney, Mr.<br>Kean .....             | r | r | r  | r  | r  | r | r  | r  | r  | r  | 1  | 1  | r  | 1  | r  | 1  | r  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |
| Georgia—Mr. Hous-<br>ton, Mr. Fox...                                         |   |   |    |    |    |   | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| The States repre-<br>sented .....                                            | 8 | 9 | 10 | 10 | 10 | 6 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 10 | 11 | 10 | 9  | 6  | 9  | 9  | 8  | 6  | 8  | 9  |

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GOV. CASWELL FROM HON. WILLIAM BLOUNT, RESPECTING MR. ROMAYNE'S TOBACCO.

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[From Executive Letter Book.]

NEW YORK, June 2nd, 1786.

SIR :

Mr. Nicholas Romaine of this City, yesterday laid before the Commissioners of the Board of Treasury of the United States, proposals for purchasing of the Tobacco belonging to the State of North Carolina which I presume will by this day's post be forwarded to your Excellency for deliberation.

This Gentleman informs me that he has not the Honor of being known to you, and that Consequently you must be at a loss as to what Credit should be paid to his proposals, and has requested me to give you such information respecting his Character as I may suppose him to Merit, this I more readily do, as the duty I owe the State demands every information that may respect her.

Mr. Romaine and his Character have been known to me for four years last past, I have ever viewed him as a man of the most pointed punctuality in his contracts, and I now consider him as a man of large property. If further information respecting the character of this Gentleman is Necessary, I beg leave to refer you to the Honbl. Hugh Williamson, who is perfectly acquainted with him.

I have the Honor to be

Your Excellency's

Most Obedient and

Humble Servt.,

WM. BLOUNT.

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SECRETARY OF CONGRESS TO HIS EXCELLENCY GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
June 6th, 1786.

SIR :

I have the Honor to inform your Excellency that his Excellency John Hancock being prevented by sickness from attending Congress and executing the duties of President, has requested their Acceptance of his resignation of that Office; and that thereupon the United States in Congress Assembled, proceeded to another Election and have this day appointed his Excellency Nathaniel Gorham, to preside.

With Greatest Esteem, I have the Honor to be,

Your Excellency's most obedient & most Humble Servt.,  
CHAS. THOMSON.

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GOV. CASWELL TO BENJ. HAWKINS.

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[From Executive Letter Book.]

NORTH CAROLINA, June 7th, 1786.

SIR :

I had the honor to receive your letter of the 11th Ulto. with its enclosures; and it is truly pleasing to me, that I have it in my power to answer you in such a manner, as I flatter myself will prove satisfactory.

The Assembly Sir, in their last Session passed an Act to restore Mr. Bridgen, but I have left the letter open, that your Excellency may if you please peruse the Act.

I have the honor to be

With the utmost respect & esteem, Sir,

Your Excellency's mo. ob & very humbl. Servt.,  
R. CASWELL.



GOV. CASWELL TO EDWARD BRIDGEN, ESQR., MERCHANT IN LONDON.

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[From Executive Letter Book.]

KINGSTON, June 7th, 1786.

SIR :

I am honored with your letter of February last respecting the forfeiture of your Estate in this Country. You are pleased to put a number of queries to me, which if it was ever in my power to answer, it is now unnecessary. Be pleased to receive the enclosed Copy of an Act of the General Assembly of this State, passed in their last Session. By this I flatter myself you will find that justice attempted to be done you, which your friendship entitled you to. I would have authenticated the Copy under the Seal of the State, but the Secretary was absent from his office, so that his signature could not be had, but you may rely on its being a true copy as I was present at the examining and compared it with the original. If you think it necessary, such an one may be at any time forwarded; if in that or any other part of the business I can be of service to you be pleased to signify as much and I shall most cheerfully attend to your commands.

I have the honor to be with great respect, Sir,

Your mo. ob. &amp; very humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. TIMOTHY BLOODWORTH, ESQR.

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[From Executive Letter Book.]

KINGSTON, June 7th, 1786.

DEAR SIR :

This acknowledges the receipt of your favor of the 3rd of May, it gives me pleasure to learn this State was again represented in Congress, tho' I confess I was pained on being informed the Indian Treaties had been received and entered on the Journals of Congress, since which I have been honored by Congress with the Copies. Your desiring attempting to prevail on Congress to take the mat-

ter up until the arrival of Mr. Blount, I think was perfectly right, as that Gentleman is much better acquainted with the whole transaction than any other member can possibly be; ere this I hope he has arrived, but I have no account of him. Pray let me know what is or may be done in this business.

I am really sorry you had no better success with the last warrant forwarded you, and that your losses by the shipments you made from Wilmington are likely to prove so great, they are I confess discouraging, but I hope the Assembly will in their next Session pay proper attention to these things. I thank you for the intelligence you gave me of the public transactions of the Assembly of New York. It will always give me pleasure to hear from you, and to communicate any thing which comes to my knowledge worthy of your notice.

Be pleased to present my respects to the Gentlemen in the Delegation with you. I have nothing official to communicate to them.

With much esteem and respect, I am

Dr. Sir, Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO GOV. SMALLWOOD.

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[From Executive Letter Book.]

KINGSTON, June 7th, 1786.

SIR :

Your letter of 30th March last enclosing a copy of an Act of the Legislature of Maryland, under the great Seal, extending the time limited for bringing in and settling claims against the State, &c., I have had the honor to receive, and agreeably to your request have directed an extract to be made therefrom and published, that such of the Citizens of this State as are Creditors within the meaning of that Act, may avail themselves of the advantages thereby held out to them.

I have the honor to be,

With Great respect and esteem, Sir,

Your Excellency's mo. ob. humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. WM. BLOUNT.

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[From Executive Letter Book.]

KINGSTON, June 7th, 1786.

DEAR SIR :

I expected before this to have the pleasure of hearing of your arrival at New York. I had the honor of being informed by Mr. Bloodworth that he and Doctor White had taken their Seats in Congress, the 2nd of May, and that the Indian Treaties had been received and entered on the Journals previous to that day, and that they tho't it prudent not to call the attention of Congress to the subject matter of them until you had taken a seat. This I thought right, as not any one there would give the same information as yourself. But altho' I have heard of your arrival at Philadelphia, I do not learn you have yet reached New York. Congress have been pleased to forward me copies of the Treaties, and have requested my attention to them, so far as relates to this State. But you know my sentiments respecting them, and until a ratification by Congress and also an assent of the Legislature, I must be excused from taking any official notice of them, at least this is my present opinion.

I wrote an hour ago to Mr. Bloodworth and informed him I had not any official business to communicate to the Delegates, but on speaking with the Comptroller, he requested I will remind you of the Commissioner's refusal to attend his office to do business. You know the number of vouchers in his possession is very great and very considerable as to value, that the Continental money and Auditors and other certificates in number are amazing, and some risk and expense will attend the removal, besides the inconvenience to the Comptroller whose family resides where his office is kept, and to the persons who may attend his office to do business, that he hath waited on the Commissioner at New Bern by his own appointment when no business, he said, could be done, for want of Books, that he daily expected them, when they arrived he would give him notice, since which near three months have elapsed and no notice received. Now my dear Sir, this business is so essential to the State, I must beg the Delegates will apply to Congress, the Board of Treasury, or wherever the power is lodged, to

give directions to the Commissioner to attend at the Comptroller's public office, or where else they think proper to settle and adjust the accounts between this State and the United States. I wish it could be done here where all the vouchers are, and where any advice or assistance of me or the Council could with more ease be given than elsewhere, and without it I think, in some instances they will be at a loss. Pray if you obtain any directions in this business, let me know as speedily as possible. Some reports are propagated to your discredit respecting the disposition of the Indian Goods, 'tis said "you took care they should not be given to the Indians but reserved them to purchase Lands from the Indians, after the Treaty, for yourself and friends." To minds unprejudiced, this would easily be gotten over, but I apprehend some design in it, as from Hillsborough and Salisbury Districts, it seems to have taken its rise. On enquiry I hear Col. W. Moore, late of Caswell, is the author given by persons of more consequence, but of this more at a future day, when things can be better investigated. I mention it now not to pain you but to apprise you.

With sincere esteem and regard,

I have the Honor to be Dear Sir,

Your most obedient and very humble Servt.,

R. CASWELL.

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SAMUEL OSGOOD, WALTER LIVINGSTON & ARTHUR LEE TO  
GOV. CASWELL, RESPECTING TOBACCO.

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[From Executive Letter Book.]

BOARD OF TREASURY, June 8th, 1786.

SIR :

Since our letter to your Excellency of the 29th May last, we have received a Letter from Hon. Robert Morris, Esquire, of Philadelphia, of the 30th Instant, and certain proposals from Nicholas Romaine, Esquire, of this City, relative to the purchase of the

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Tobacco collected in the State of North Carolina. Copies of which we have the honor of transmitting for your Excellency's information.

We have the Honor to be,

Your Excellency's obt. Humble Servants,  
SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

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HON. JAMES WHITE TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, June 8th, 1786.

SIR :

It may perhaps be necessary to apologize to your Excellency for not having written since my arrival for any instructions or commands you might have to communicate. One cause which renders me less ready to trouble you with my letters is that very little worthy of your attention is in my possession ; moreover, I expected you would be informed of every Circumstance you would wish to know by a Gentleman in person who is going, and who is Master of every information.

In obedience to your first direction I wrote to you on my way to Wilmington; the letter, I make no doubt was delivered by the person to whom I committed it as he appeared desirous of waiting on you. Perhaps it may now be my duty to mention that I learned from Col. Blount, he being much better acquainted with that Gentleman's Character than I was at that time.

I must acknowledge that on my arrival at Congress I received Official Papers respecting the Indian Treaty. It gave me infinite uneasiness as nothing in that business could be done by us to any effect, every thing respecting it was transacted before we arrived and I am now to inform your Excellency that those Treaties require nothing further than to insert them on the Journals without any ratification here. This was done before my arrival from Philadelphia, where the Necessity of providing for my Subsistence here had called me. If anything can be done at this time, to Counteract the

Evil we have to complain of in the Indian Treaty, and you will please to suggest it, our Duty will be to comply with it.

As nothing will compel me to leave this but the difficulty of Subsisting in the way we are supplied I flatter myself you will not be averse to giving an Order for the Remainder of my Salary, if it can be paid here; that will be a relief demanding my Acknowledgments, and from what I understand of a resolution of the legislature in May Session 1784, that mode will be inconsistent with their Intention.

I have the honor to be,  
Your Excellency's very attached  
And Faithful Servant,  
JAMES WHITE.

P. S. If it is not practicable to make an order for the money payable here please give an Order for it to Col. Blount on account of my Salary.

JAMES WHITE.

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HON. CHAS. THOMSON, SECRETARY OF CONGRESS TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS, June 9th, 1786.

(CIRCULAR.)

SIR :

I have the Honor to transmit to your Excellency herewith enclosed two Copies of the Continuation of the Journal from the 3rd of March to the 2nd instant, one for the Legislative, the other for the executive branch of Government, and, also, two Copies of the Treaty of Commerce lately concluded between the United States of America and his Majesty the King of Prussia.

With the greatest Respect,

I have the honor to be Sir,  
Your Excellency's most obedient  
And most Humble Servant,  
CHAS. THOMSON.

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GOV. CASWELL TO ALFRED MOORE.

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[From Executive Letter Book.]

KINGSTON, June 10th, 1786.

SIR:

Having received from Massachusetts, Virginia, Pennsylvania and some other of the United States, Acts and Resolutions of such States respecting the appointment of Commissioners, to take into consideration the Trade of the United States, and to report to the several States such a draft of an act relative thereto, as will best promote the commercial interest of the United States, I laid them before the Council who, on observing the time proposed by those states for the meeting to be on the first Monday in September next, at the City of Annapolis, which time being prior to the time appointed for the meeting of the General Assembly, thought proper to advise me to appoint Commissioners on the part of this State, and recommended Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount & Phil. Hawkins, Esquires, or any two of them to be so appointed who are to attend at the time and place aforesaid, or any other time or place that may be judged more proper. And that the Governor grant warrants on the Treasury in favor of such of the Commissioners as shall signify to him their intention of attending, for one hundred pounds each, such Commissioners to be accountable for the same. Mr. Nash has signified it will be agreeable to him to go on this business, and the design of this is to acquaint you with the resolve of Council, and request you will be pleased to write me, whether it will be agreeable and convenient to you to accept the appointment, in which case, I shall forward you a Commission, the warrant, and such copies of the papers laid before me, as may be proper for your further information.

I have the honor to be,

With great respect and esteem, Sir,

Your mo. ob. Servt.,

R. CASWELL.

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JOHN PIERCE TO MAJ. ROBERT FENNER.

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[From Executive Letter Book.]

NEW YORK, June 10th, 1786.

(COPY.)

DEAR SIR :

The enclosed Account will shew you the Respective Sums due to the Officers of the North Carolina line which will compleat their pay for the year 1782 and 1783. You will see that there is not included in it the disputed cases referred to by the Secretary of War. The deductions for monies and articles received, I hope may meet with a Concurrence, if not I will rectify any instances which may appear to be improper.

Much greater difficulties than what have respected their pay impede the procuring of the Subsistence still due to the Officers and the arrears of the Non-Commissioned Officers and privates. These claims shall however be attended to in their Order and the amount rendered as soon as possible, the Board of Treasury are so low in resources that they can scarcely make this payment.

JNO. PIERCE.

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MEMORANDUM OF LAWS RECEIVED BY COL. BLOUNT FROM THE  
OFFICE OF SECRETARY OF CONGRESS, 1786.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
June 14th, 1786.

Delivered to Col. Blount, the laws of several States, for the State of North Carolina, viz :

A Bound Volume of Laws of Pennsylvania from the declaration of Independence, to Oct. 1781, inclusive, and three pamphlets containing Laws passed 1784, 1785, viz : Chap. 163 to ch. 242, both Inclusive.

A Bound Volume of the Laws of New Jersey from the declara-



tion of Independence to the close of the year 1783, and three pamphlets containing laws passed in 1784 & 1785. Beginning with Chapter 32 and continued to Cha. 114 inclusive. And One Pamphlet Containing laws passed in 1786, chap. 115 to Chap. 144 inclusive.

A Bound Volume of the laws of Virginia Containing Acts and Ordinances passed since the Year 1786, and three Pamphlets, one Containing Laws passed in 1783, beginning with Chapter 188 to Chap. 219 inclusive, the two Containing laws of 1784 ch. 1st, to ch. 91 inclusive, and one other with act passed at Richmond October 1785.

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WM. BLOUNT TO GOV. CASWELL, RESPECTING BOOKS,

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[From Executive Letter Book.]

NEW YORK, June 14th, 1786.

SIR :

The annexed is a Catalogue of Books this day delivered me by the Secretary of Congress for the State of North Carolina all which I forward to your Excellency by Captain Stephen Tinker to the care of the Honorable John Hawkes, Esquire, New Bern.

I have the honor to be,

Your Excellency's

Most Obedient Servant,

WM. BLOUNT.

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HON. WM. BLOUNT TO GOV. RICHARD CASWELL.

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[From Executive Letter Book.]

NEW YORK, June 15th, 1786.

SIR :

I have the honor to enclose to your Excellency herewith a Copy of the Memorial which Mr. John Adams delivered on the 8th December last to the Earl of Caermarthen and his Answer thereto of the 28th of February.

I am, Your most Obedient humble Servant,  
WM. BLOUNT.

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JOHN PIERCE TO MAJ. ROBERT FENNER.

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[From Executive Letter Book.]

✓ PAY OFFICE, NEW YORK, June 15th, 1786.

SIR :

By Col. Blount I send you Orders drawn by the Treasurer on the Receiver of the Continental Taxes for your State in favor of the officers of the line, agreeably to the list enclosed to you in my Letter of the 10th Inst. amounting to 13,367 34-90 dollars the receipts for which on your payment I wish you to transmit to me at this office.

JOHN PIERCE.

To Maj. Robt. Fenner.

COPY OF MY RECEIPT.

Received from William Blount, Esquire, one hundred and two Orders on the Commissioner of the Loan office for the State of North Carolina drawn by the Board of Treasury of the United States amounting to the sum of thirteen thousand three hundred and sixty Seven 34-90 dollars for which Sum I promise to be accountable to the pay master General of the Army of the United States or

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his Successor in Office for the faithful delivery of the same to the Officers of the late North Carolina Line in whose favor the same are drawn or to their legal representatives.

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RESOLUTIONS OF THE STATE OF DELAWARE CONCERNING TRADE  
AND COMMERCE, 1786.

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[From Executive Letter Book.]

STATE OF DELAWARE,  
IN THE HOUSE OF ASSEMBLY, June 15, 1786.

Whereas, Official Information has been received, that the States of Massachusetts, Pennsylvania, Maryland and Virginia have passed Resolutions appointing certain Persons therein Named as Commissioners, on the part of those States, to meet such Commissioners as may be appointed by the other States in the Union for the purpose of taking into Consideration the trade of the United States, and to report such an Act relative thereto as will best promote the Interest of the United States, and this State being willing to co-operate with them in so laudable and useful a measure.

Resolved, That the Honorable George Read, Esquire, Jacob Broom, Esqr., Jno. Dickenson, Esquire, Richard Bassett, and the Honbl. Gunning Bedford, Esquire, be and they are hereby appointed Commissioners on the part of this State, who or any three of them may Act, to meet such other Commissioners, as may have been, or shall be appointed by the other States at Annapolis on the first Monday in September next, for the purpose of Considering the Trade of the United States, to examine the relative Situations and Trade of the said States; to Consider how far an uniform System in their Commercial Regulations may be Necessary to their common Interest and permanent Harmony, and to report to the United States in Congress Assembled such an Act relative to this great Object, as when agreed to by them and Confirmed by the Legislature of every State will enable the United States in Congress Assembled effectually to provide for the same.

Resolved, That His Excellency, the President, be requested to give Notice to the Supreme Executives of the Several States in the

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Union, of the concurrence of this State in the Measures proposed by the States of Massachusetts, Pennsylvania, Maryland, and Virginia, for the purposes aforesaid.

Sent for Concurrence. In Council, June 23d, 1786.

Read, Considered and agreed to.

THOS. McDONOUGH, Speaker.

Extract from the Minutes.

JAS. BOOTH, Clk. of the Assembly.

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HUGH WILLIAMSON TO GOV. CASWELL, RESPECTING COMMERCE.

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[From Executive Letter Book.]

EDENTON, 16th June, 1786.

SIR :

Your favor of the 10th inst., came to hand by this day's post. I have ever had the Commercial Interest of this State much at heart, and shall never Shun any Opportunity on which it may seem probable that my services may be of any use to the State. I am obliged to the Council for rating my Abilities perhaps at more than they deserve. My diligence, however, shall be equal to that of my Compatriots. I shall endeavor to attend the meeting of the Commissioners at the time and place appointed, if you are pleased to forward me a warrant with the Commission, I shall try to pass it off to some of the Sheriffs.

I have the honor to be,

With the utmost consideration, Sir,

Your obedient Servant,

HUGH WILLIAMSON.

COL. WHITAKER TO GOV. CASWELL, RESPECTING TOBACCO.

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[From Executive Letter Book.]

HALIFAX COUNTY, 19th June, 1786.

DEAR SIR :

I have your favor of the 30th March together with the transcript of the Act of Assembly agreeable to my wishes, and am under the deepest Obligations for the favor done me.

I have to inform you that I have now on hand 315 hogsheads of Tobacco, weighing 354,000 net, including what I reported before. Agreeable to your request I have forwarded the Tobacco to the port of delivery and Stored 200 hogsheads in one Lockheart's warehouse, just above Edenton, where there is no other Tobacco stored but my purchases. The other 115 Hogsheads I have stored in McRyon's ware house two miles from Lockheart's. They are ware houses made use of by the Merchants of Halifax, and are as convenient for delivering the Tobacco as any on the River. Any Vessel that can come through the Swash may go to either of the ware houses. I still am anxious to get rid of my purchases by the sitting of the next General Assembly, if it is possible.

I am Dear Sir,

Your most Obt. & very Humble Servt.,

J. WHITAKER.

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GOV. CASWELL TO THE HON. COMMISSIONERS OF THE BOARD OF  
TREASURY.

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[From Executive Letter Book.]

KINGSTON, June 21st, 1786.

GENTLEMEN :

Your letter of the 21st March last, I had the honor to receive and agreeably to your request, herewith are enclosed Mr. Skinner's Bonds and Oath of Office. With respect to the other part of your

letter I beg leave to refer you to my letter by Col. Blount, and the extract of the Act of Assembly therewith.

I had flattered myself that before this, I should have been honored with your commands respecting the Tobacco, which is now lying at a considerable expence. Pray do me the favor to write me on that subject.

I have the honor to be,

With great respect, Gentlemen,

Your most obedient humbl. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. WILLIAM BLOUNT.

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[From Executive Letter Book.]

KINGSTON, 21st June 1786.

DEAR SIR :

I am honored with your letters of the 19th May & 1st June, (received the same day.) It gave me pleasure to know you were in Congress, but much concerned to hear the bare entering the Treaties with the Indians on the Journals of Congress is considered as a Ratification, for I had great hopes that when that Honorable Body was fully informed of our just claims, and the Treaties being by them compared with our Bill of rights and Constitution, they would have been induced to think the Commissioners had proceeded too far under their authority.

I am happy in knowing any thing we have done has contributed to give the least satisfaction to Congress or her servants in respect to a partial payment of our proportion of the Federal Debt, but conceive our particular loss on the Tobacco will be very great. I did not by Capt. Stevenson receive a line from the Board of Treasury, nor have I by any other hand had a line from them respecting the Tobacco. As I know they have rec'd my letter honored by you, I decline writing them again 'till I receive their advice. As to the shipments which I am much importuned by the Commissioners of purchases about, pray speak to some of the members of the Treasury Board about it.

I have an additional pleasure in knowing your Colleagues are so agreeable to them, please to present my respects. Nothing official at present have I to communicate. Your prospects of a full Congress and the event likely to take place which is mentioned in your last in some measure, obviates the distresses of my mind on account of the information you have given me of the confused and distressed state of our national concerns.

I am not well, and rather hurried at this juncture that I cannot write you so fully as I could wish; but believe me at all times disposed to wish you Felicity and Happiness, and to contribute anything in my power thereto.

I am, Dear Sir, your mo. ob. Servt.

R. CASWELL.

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GOV. R. CASWELL TO GOV. PATRICK HENRY.

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[From Executive Letter Book.]

KINGSTON, June 21st, 1786.

SIR :

I had the honor to receive your Excellency's letter on the 23rd February last, respecting the appointment of Commissioners for the purpose of considering the Trade of the United States, the only apology I have for not answering it sooner is, that I flattered myself with the expectation of a meeting of our General Assembly previous to the time by your Commissioners proposed for the General meeting of the Delegates, but as this cannot happen I have taken the opinion of the Council who have advised me to appoint Commissioners on the part of this State, and recommended the Honbl. Abner Nash, Esqr., Alfred Moore, Hugh Williamson, John G. Blount and Philemon Hawkins, Esqrs., or any two of them for such appointment. I have written to those Gentlemen, and such of them as agree to attend will accordingly be appointed.

I have the Honor to be,

With the greatest respect and esteem, Sir,

Your Excellency's mo. ob. humbl. Servt,

R. CASWELL.

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GOV. R. CASWELL TO HON. EDMUND RANDOLPH.

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[From Executive Letter Book.]

NORTH CAROLINA, June 21st, 1786.

SIR :

I had the honor to receive your letter of the 13th of February last, enclosing a Resolution of the Legislature of Virginia, respecting the appointment of Commissioners to take into consideration the trade of the United States.

My delay in answering this letter was owing to the expectation I had that the Assembly would meet previous to the time proposed for the meeting of the Commissioners but being convinced that could not be effected, I laid the proceedings of our Assembly and those of several of the other States in the Union, before the Council, who advised the appointment of Commissioners on the part of this State to join those that are or may be appointed from the other States, at the time and place by you proposed, or such other time and place, as may be agreed on, and recommended the Hon. Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount & Philemon Hawkins, Esqrs., or any two of them, to be so appointed. I have written to these Gentlemen and such of them as agree to attend will be accordingly appointed.

I have the honor to be,

With great respect, Sir,

Your most Obedient Humble Servt.,

R. CASWELL.



GOV. CASWELL TO HON. CHARLES BIDDLE.

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[From Executive Letter Book.]

NORTH CAROLINA, June 21st, 1786.

SIR:

I had the honor to receive your letter of the 12th of April last, with a Copy of a Resolution of the General Assembly of Pennsylvania of the 21st of March and a Minute of Council thereupon, respecting the appointment of Commissioners to meet such Commissioners as may be appointed by the other States in the Union to take into consideration the trade of the United States, &c.

The General Assembly of this State not being to meet until the first Monday in November the Council have advised me to appoint Commissioners to join those who are or may be appointed by the other States for the purposes above mentioned. And recommend the Hon. Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount, and Philemon Hawkins, Esqrs., or any two of them to be so appointed, to meet the other Commissioners on the first Monday in September next, at the City of Annapolis; or at such other time and place as may be agreed on. The appointment will be accordingly made of such of these Gentlemen as will agree to attend.

I have the honor to be,

With great respect & esteem, Sir,

Your most obedient &

Very humble Servant,

R. CASWELL.

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GOV. CASWELL TO GOV. JAMES BOWDOIN.

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[From Executive Letter Book.]

NORTH CAROLINA, June 21st, 1786.

SIR :

I had the honor to receive your letter of the 30th March last, with a Copy of a Resolution of the Legislature of the Commonwealth of Massachūsetts, according to the proposal of Virginia, for holding at Annapolis in Maryland a convention of Delegates from the several States in the Union, for the purpose of considering the Trade of the United States.

As the time appointed for the meeting of the General Assembly of this State is subsequent to the first Monday in September. The Council have advised me to appoint Commissioners to join those that are or may be appointed by the other States, at the time and place proposed by the Commissioners of Virginia or any other time or place that may be agreed on, for the purposes above mentioned, and recommend the Hon. Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount, and Philemon Hawkins, Esqr., or any two of them. The appointment will accordingly be made of such of these Gentlemen, who shall agree to attend.

I have the honor to be,

With the greatest regard, Sir,

Your Excellency's mo. ob. &

Very humble Servant,

R. CASWELL.

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GOV. CASWELL TO JOHN GRAY.

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[From Executive Letter Book.]

KINGSTON, June 21st, 1786.

SIR :

Your letter of the 30th of last month I had the honor to receive, and in compliance therewith you have enclosed a Copy of a Proclamation issued by my predecessor in office, and a copy of an Act to

restore Mr. Bridgen his Estate. These are the only acts of the Legislature and Executive powers of this State, in consequence of the definitive Treaty of Peace, between the United States of America and Great Britain, and the recommendation of Congress thereupon that I at present recollect.

I have the honor to be, Sir,  
Your mo. ob. humbl. Servt.,  
R. CASWELL.

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GOV. CASWELL TO HON. CHAS. THOMSON, ESQR.

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[From Executive Letter Book.]

NORTH CAROLINA, 21st June, 1786.

SIR :

I am honored with your letters of the 4th of March, 22nd of April, and one other without date, with their several enclosures, which shall be laid before the Legislature of this State, whenever that Body convenes, but at this time it stands adjourned to the first Monday in November next.

I have the honor to be, Sir,  
Your mo. ob. humbl. Servt.,  
R. CASWELL.

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GOV. CASWELL TO ABNER NEALE.

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[From Executive Letter Book.]

KINGSTON, June 23rd, 1786.

SIR :

Your favor of yesterday with Mr. Kirkham's Deposition, I have received, and in consequence of that and the Deposition of Mr. Edwards, I enclose you an order to the Sheriff to deliver the Negro, on your paying the fees and giving him an indemnification. The

former is a matter of course, and the latter is necessary, as Mr. Kirkham is unknown, and no legal letter of Attorney appearing from Mr. Ball.

I am with Esteem Sir,  
Your most obedient Servant,  
R. CASWELL.

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GOV. CASWELL TO JOHN C. BRYAN, ESQUIRE, SHERIFF OF  
CRAVEN COUNTY.

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[From Executive Letter Book.]

KINGSTON, June 23rd, 1786.

SIR :

The negro man Dominie, who was brought into this State from Nova Scotia by Mr. Wheeler, committed to your Custody and advertised, appearing by satisfactory proof to be the property of Mr. Spencer Mottrum Ball, of Virginia, you are therefore required to deliver the said negro Dominie, to Mr. Abner Neal for Mr. Ball's use on his paying the charges occasioned by the commitment, advertising & detention of the said Negro and giving bond in 1,200 dollars to indemnify you for such delivery.

I am Sir,  
Your most obed. Servt.,  
R. CASWELL.

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HON. JOHN HAYWOOD, ESQR., TO GOV. CASWELL.

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[From Executive Letter Book.]

HALIFAX, 25th June, 1786.

SIR :

As the troubles in the Western Country are not likely to subside in any short time. I have conceived a wish of going to Georgia and exploring the interior parts of that Country when I can do it

with safety, and if business offers more valuable than any I can follow in this State of engaging in it. To the promotion of this design and the more ready introduction to business if I should like the Country, an intimation of your Excellency that I have been found capable of some kind of business here, will very much Contribute, If therefore Consistent with the Modesty I ought to observe may I venture to ask a letter of that kind. The receipt of such an one by the bearer will be always remembered with great gratitude by me, but if on the other hand your Excellency shall be of opinion that the infinite honor done me by the Assembly of appointing me to a judicial post in the Western Country requires that I should risk my life through hostile Savages to execute their Commission, be so good as to send me an Oyer and Terminier Commission, and at the peril of my life, I will attempt the exercise of my very exalted Office.

I have the Honor to be Sir,

With sentiments of the highest esteem,

Your devoted Servant,

J. HAYWOOD.

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GOV. CASWELL TO JUDGE JOHN HAYWOOD.

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[From Executive Letter Book.]

KINGSTON, June 27th, 1786.

SIR:

Your favor of the 25th Inst. I have before me. It gives me much concern to learn that you have conceived the danger so great, in passing to the Western Country, as to prevent your setting out to hold a Court there last month. I cannot myself pretend to say how great it may have been, as I have received no official accounts from that Country, nor indeed have I had such private information as to enable me to form an opinion.

As to a Commission of Oyer and Terminier, it does not issue but upon special application, and the reasons assigned are judged of by the Council, and when such Commission is granted the same is supported by the advice of the Council. Of course such an one can-

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not now be granted, and I hope before the next term of court the dangers and difficulties now existing will be removed. I do myself the honor to enclose you a Certificate, which in case you go to the Southward it may be of some use to you. If in that or anything else I shall be able to render you service, you may be assured it will give me pleasure.

With much esteem Sir,  
I am your mo. ob. Servt.,  
R. CASWELL.

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RESOLUTIONS OF CONGRESS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS, ASSEMBLED,  
June 27, 1786.

Resolved, That the Judges of the Court of Appeals be, and hereby are Authorized and directed in every cause which has been or may be brought before them to sustain appeals and grant rehearings or new trials of the same, wherever Justice and right may in their opinion require it, provided that an Order for a rehearing or new trial shall in no Instance suspend the execution of the first sentence. If the party in whose favor it may have been, shall give satisfactory Security for the payment of such costs and damages as the court on rehearing the cause and reversing the decree may think proper to award and that the said Judges be entitled each to ten dollars per day during the time they shall attend the sitting of the said Courts, and including the time they shall be Necessarily employed in travelling to and from the same.

Resolved, That the Court assemble at the City of New York, on the first Monday of November next, for the dispatch of such business as may then and there be before them.

CHAS. THOMSON, Sect'y.

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CHAS. THOMSON, ESQ., TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
June 28th, 1786.

(Circular)

SIR :

In consequence of Sundry Memorials and Petitions from persons claiming Vessels in the Courts of Admiralty in some of the States, praying for hearings and rehearings before the Court of Admiralty, the United States in Congress Assembled have been pleased to authorize and direct the Judges of the Court of Appeals, to sustain appeals and grant rehearings or new trials whenever Justice and right may in their opinion require it, and have directed the Court to assemble at the City of New York, on the first Monday in November next for the dispatch of such Business as may then and there be before them.

I have the honor of transmitting to your Excellency, herewith enclosed, a Copy of the Resolutions, and have to request the favor of your Excellency to cause them to be published for the Information of the Citizens of your State, who may be concerned.

With the greatest respect,

I have the Honor to be,

Your Excellency's Most obedient

And most humble servant,

CHAS THOMSON.

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GENERAL ACCOUNT OF RECEIPTS AND EXPENDITURES OF THE  
UNITED STATES, FROM 1<sup>ST</sup> NOVEMBER, 1785,  
TO 30<sup>TH</sup> JUNE, 1786.

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[From Executive Letter Book.]

|          |                                                                                                                            |                                        |
|----------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 1785.    | DR.                                                                                                                        |                                        |
| March 1. | To balance in the hands of the<br>Treasurer of the United States<br>this day as per Acct. forwarded<br>to the States.....  | Dolls. 90ths.<br><br><br><br>71,475.54 |
| 1786.    |                                                                                                                            |                                        |
| June 30. | To General Acct. of Taxes for so<br>much Specie received, viz:                                                             |                                        |
|          | From Massachusetts.....                                                                                                    | 3,777.29                               |
|          | From Rhode Island.....                                                                                                     | 201. 8                                 |
|          | From Connecticut.....                                                                                                      | 8,463.23                               |
|          | From New York.....                                                                                                         | 22,013.20                              |
|          | From New Jersey.....                                                                                                       | 8,964.62                               |
|          | From Pennsylvania. . . . .                                                                                                 | 112,741.73                             |
|          | From Delaware.....                                                                                                         | 3,881.36                               |
|          | From Maryland.....                                                                                                         | 68,282.50                              |
|          | From Virginia.....                                                                                                         | 22,777.29                              |
|          |                                                                                                                            | <hr/> 251,102.60                       |
|          | To do. for so much received in<br>Indents, viz : From Massachu-<br>setts Quota of 10 Sept., 1782...<br>28 April, 1784..... | <br>192,000.00<br>30,860.45            |
|          |                                                                                                                            | <hr/> 222,860.45                       |
|          | From Connecticut, 28 April, 1784                                                                                           | 7,832.78                               |
|          | From New York, 28 April, 1784.                                                                                             | 36,935.67                              |
|          | From Pennsylvania 10 Sept., 1782                                                                                           | 180,000.00                             |
|          | 28 April, 1784.....                                                                                                        | 53,441.00                              |
|          | 27 September, 1785.....                                                                                                    | 200,824.70                             |
|          |                                                                                                                            | <hr/> 434,265.70                       |
|          | From Delaware, 28 April, 1784..                                                                                            | 10,011.69                              |
|          | From Virginia, 28 April, 1784...                                                                                           | 29,901.07                              |



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|                                                                                                                                                                           |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| To Emissions of Paper Money on<br>the funds of Individual States in<br>pursuance of an Act of Congress<br>of 18 March, 1780, received<br>from the State of New York . . . | 25,200.00      |
| To Genl. Post Office for so much<br>received . . . . .                                                                                                                    | 8,000.00       |
| To Sundries, viz :                                                                                                                                                        |                |
| Cornelius Swars on Account . . .                                                                                                                                          | 448.68         |
| George Olney      Ditto      . . .                                                                                                                                        | 3.00           |
|                                                                                                                                                                           | <hr/>          |
|                                                                                                                                                                           | 451.68         |
| To balance being the Account of<br>Specie payments beyond the<br>receipts or an Anticipation of<br>the public Credit . . . . .                                            | 14,235.31      |
|                                                                                                                                                                           | <hr/>          |
|                                                                                                                                                                           | \$1,112,267.09 |

1786.

CR.

|                                                                                                                                                                                                                                                                    |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| June 30. By Anticipation of the Taxes by<br>the late Superintendent of Fi-<br>nance for so much paid of<br>94,166.86-90ths unpaid 1st No-<br>vember, 1785 . . . . .                                                                                                | 703.60    |
| By so much paid Mr. John Wheel-<br>ock, Presdt. of Darmouth Col-<br>lege; the same having been re-<br>ceived by the Commissioners of<br>the Loan in Holland for the use<br>of said College, and Credited by<br>them in Account with the United<br>States . . . . . | 76.41     |
| By Expenditures in Specie, viz :                                                                                                                                                                                                                                   |           |
| Civil List . . . . .                                                                                                                                                                                                                                               | 62,891.54 |
| Pay Master Genl. Department..                                                                                                                                                                                                                                      | 31,752.42 |
| Subsistence of the Army . . . . .                                                                                                                                                                                                                                  | 28,441.00 |
| Military and Ordinance Stores.                                                                                                                                                                                                                                     | 3,593.60  |
| Quarter Master's Department..                                                                                                                                                                                                                                      | 4,567.69  |

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|                                  |            |
|----------------------------------|------------|
| Cloathing Department . . . . .   | 1,158.45   |
| Payment of Old Debts . . . . .   | 9,137.44   |
| Pensions, Annuities & Grants . . | 9,211.67   |
| Indian Affairs . . . . .         | 1,081.17   |
| Payment of Foreign Interest . .  | 170,200.00 |
| Contingencies . . . . .          | 3,468.07   |

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325,504.35

|                                                                                                                                                                                                                                                                          |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| By so much paid by the State of<br>Pennsylvania, by virtue of Acts<br>of the United States, quotas, of<br>existing Requisitions, and as<br>paid Accounts settled at the<br>Federal Treasury, viz: For tak-<br>ing British Deserters, per Act 30<br>March, 1782 . . . . . | 2,365.83  |
| Pensions to Invalids pr. Do. 23<br>April, 1782 . . . . .                                                                                                                                                                                                                 | 12,067.34 |
| Ditto 7 June, 1785 . . . . .                                                                                                                                                                                                                                             | 29,743.50 |

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44,176.77

|                                                                                                                                       |            |
|---------------------------------------------------------------------------------------------------------------------------------------|------------|
| Domestic Debt for so much to-<br>wards the payment of Interest on<br>the Domestic Debt by Indents<br>made Receivable in Taxes . . . . | 741,305.66 |
|---------------------------------------------------------------------------------------------------------------------------------------|------------|

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1,112,267.09

JOSEPH NOURSE, Register.

Treasury of the United States,  
Register's Office, July 1st, 1786.

HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
July 1st, 1786.

SIR :

Pursuant to order I have the honor of transmitting to your Excellency herewith enclosed a state of the Representation in Congress for the month of June, to be Communicated to your Legislature.

By this and the statements formerly transmitted to your Excellency and the Legislature you will perceive that since the first Monday in November last, there has only been a Representation of 9 States in Congress for 10 days, of 10 States for 10 days, and of 11 States 7 days, so that during the space of eight months there have been only 27 days in the whole when Congress were in a capacity to Consider and transact the great affairs of the Confederacy.

I have the pleasure to observe that there is now a representation of ten States which I hope will soon increase and continue.

With the Greatest Respect,

I have the Honor to be,

Your Excellency's most Obedient

And most Humble Servt.,

CHAS. THOMSON.

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF JUNE, 1786, PURSUANT TO THE ACT OF 17TH AUGUST, 1785.

[From Executive Letter Book.]

| Members in Town. . . . .                                                 | 1 | 2 | 5 | 6 | 7 | 8 | 9 | 12 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 26 | 27 | 28 | 29 | 30 |
|--------------------------------------------------------------------------|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| New Hampshire—Mr. Long,<br>Mr. Livermore. . . . .                        | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | r  | r  | r  | r  | r  | r  |
| Massachusetts—Mr. Gor-<br>ham, Mr. King, Mr.<br>Dane, Mr. Ledgewich. . . | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Rhode Island—Mr. Man-<br>ning. . . . .                                   |   |   |   |   |   | 1 | 1 | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |    |    |    |    | 1  | 1  |
| Connecticut—Mr. John-<br>ston. . . . .                                   |   |   |   |   |   |   | 1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| New York—Mr. Lawrence,<br>Mr. Smith, Mr. Haring                          | r | r | r | r | r | r | r | r  | 1  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| New Jersey—Mr. Symmes,<br>Mr. Hornblower. . . . .                        | r | r | 1 | r | r | r | r | r  | r  | r  | r  | r  | r  | 1  | r  | r  | r  | r  | r  | r  | r  |
| Pennsylvania—Mr. Pettit,<br>Mr. Bayard, Mr. Wilson                       | r | r | r | r | r | r | r | r  | r  | 1  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Delaware—Mr. Perry. . . . .                                              |   |   | 1 | 1 | 1 | 1 | 1 | 1  |    | 1  | 1  | 1  |    |    |    |    |    |    |    |    |    |
| Maryland—Mr. Hindman,<br>Mr. Harrison, Mr. Henry<br>Mr. Ramsey. . . . .  | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Virginia—Mr. Grayson,<br>Mr. Monroe, Mr. Lee,<br>Mr. Carrington. . . . . | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| North Carolina—Mr.<br>Blount, Mr. Bloodworth<br>Mr. White. . . . .       | r | r | r | r | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| South Carolina—Mr. Pink-<br>ney, Mr. Kean, Mr.<br>Huger. . . . .         | 1 | 1 | r | r | r |   |   |    |    |    |    |    |    |    |    | r  | r  | r  | r  | r  | r  |
| Georgia—Mr. Houston, Mr.<br>Fen. . . . .                                 |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| The States represented. .                                                | 8 | 8 | 9 | 9 | 7 | 7 | 7 | 6  | 7  | 7  | 6  | 6  | 6  | 6  | 7  | 8  | 9  | 10 | 10 | 10 | 10 |

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ROBERT ROWAN TO HIS EXCELLENCY GOV. CASWELL RESPECTING  
TOBACCO.

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[From Executive Letter Book.]

FAYETTEVILLE, July 3rd, 1786.

SIR :

Opportunities so seldom offer from here to Kingston, that I have been under the Necessity of sending the Bearer purposely to acquaint your Excellency of my having purchased my complement of Tobacco, but the uncommon scarcity of Grain in the back part of the Country has prevented the whole of it being yet brought down.

The unhappy fire at Wilmington destroyed so many ware houses that storage for the Tobacco was not to be procured on any Terms, otherwise the principal part of it would have been there before now.

Mr. Jewkes flatters me with the hopes of having a large one enclosed by the 20th Inst. fit to receive the whole, which by that time I make no doubt will all be arrived at this place. I shall lose no time in getting it down, and if the water don't fail expect to have it all, about 520 or 30 Hhds. safely lodged in Wilmington early in the next month.

The principal part of the Tobacco purchased by me I think is of the first quality and will give reputation to this Inspection. Soon after my appointment, before I made any purchases, my first care was to have the old Inspectors removed, who had been guilty of many frauds, since which time I don't think a Hogshead was passed here that would not have passed at Petersburg. I suppose by this time Sir, you are acquainted with the determination of Congress respecting the Tobacco.

That your Excellency may long enjoy an uninterrupted state of good health is the sincere wish of one who has the honor of being,

With perfect respect and esteem, Sir,

Your most Obedient & very humble Servt.,

ROBERT ROWAN.

---

JOHN JAY, ESQR., TO GOV. CASWELL, ENCLOSING SUNDRY PAPERS.

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[From Executive Letter Book.]

OFFICE FOR FOREIGN AFFAIRS, 6th July, 1786.

(Circular.)

SIR :

I have the honor of transmitting to your Excellency for your information a copy of a Letter from the Honorable Mr. Adams dated the 4th of March last and of the papers mentioned to have been enclosed with it.

These papers are under consideration and will probably give occasion to such measures as the subject of them seems to dictate. In the mean time it would, in my opinion, not be expedient to let these papers get into the public prints.

I have just received intelligence that a Treaty between the United States and Portugal was on the eve of being concluded, but that our Negotiations with the Barbary States have not a very promising appearance. It is much to be lamented that the Continental Treasury is not in a State more adequate to our National exigencies and that inattention to National supplies will probably create and continue National evils.

I have the Honor to be, Sir,

Your Excellency's Most Obedient

And Humble Servant,

JOHN JAY.

---

GOV. CASWELL TO ROBERT ROWAN.

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[From Executive Letter Book.]

KINGSTON, July 7th, 1786.

DEAR SIR :

I am honored with your Letter of the 3rd Inst. The Council was sitting at the time it came to hand, deliberating on the subject of the letters I had received from the Board of Treasury, and the

proposals made them for the purchase of Tobacco. These letters & proposals are too long for me to detain the bearer until copies can be made. I shall therefore for the present, only forward to you a Copy of the Resolution of Council on that business, and to request you will please attend to and observe such matters therein contained as are recommended.

I shall write the Board of Treasury and inform them that the Propositions of Mr. Morris and of Mr. Romaine cannot be acceded to and request their further advice, on receipt of which I will communicate the same to you. I will in the mean time peruse and consider the other papers and extract from them anything I think may be proper for your use.

With very great esteem and respect,

I am Dear Sir, your mo. ob. Servt.,

R. CASWELL.

---

HON. WM. BLOUNT TO GOV. CASWELL.

---

[From Executive Letter Book.]

PINEY GROVE, July 8th, 1786.

SIR :

I intend to perform a Tour of Duty of eight Months in Congress the ensuing year, provided I have assurance that my salary shall be regularly paid me in hard money at the place where Congress sits, agreeable (I believe) to a resolution of the General Assembly passed in the Spring Session of 1784. If this cannot be done and warrants are sent me by the bearer, Reading Blount, I shall endeavor to convert the paper into hard Cash at the least possible loss.

I have the Honor to be,

Your Excellency's

Most Obedt. Servt.,

WM. BLOUNT.

---

GOV. MOULTRIE TO GOV. CASWELL.

---

[From Executive Letter Book.]

CHARLESTON, SOUTH CAROLINA, July 1786.

SIR :

The Legislature of this State in their last Session, passed an ordinance dated the 22nd of March, 1786, appointing Commissioners to ascertain and settle the Boundaries of this State with the States of Georgia and North Carolina.

I have, in direction from the Legislature, the honor to enclose to your Excellency, the Clause of the Ordinance immediately relating to the State of North Carolina, for your information, and to be laid before the Legislature of your State.

I have further to acquaint your Excellency that the Commissioners appointed by this, to meet any that are, or may be appointed, by your State for the above purpose, are General Charles Cotesworth Pinkney, Brigadier General Andrew Pickens and Major Pierce Butler.

I have the honor to be,  
Your Excellency's  
Most Obedient Humble Servant,  
WILLIAM MOULTRIE.

---

ORDINANCE OF SOUTH CAROLINA RESPECTING BOUNDARY.

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[From Executive Letter Book.]

Clause for Ordinance of the General Assembly of the State of South Carolina, "appointing Commissioners and vesting them with powers to settle differences, and fix boundaries with North Carolina."

And be it further ordained by the Authority aforesaid, that three Commissioners be chosen by joint ballot of the Legislature ; which Commissioners or a majority of them, when chosen, shall be and they are hereby invested with full and absolute power & Authority, in



behalf of this State, to settle and compromise all and Singular the differences, controversies, disputes and Claims which Subsist between this State & the State of North Carolina relative to Boundary and to establish and permanently fix a Boundary between the two last mentioned States, and this State shall and will at all times hereafter, ratify and confirm all and whatsoever the said Commissioners, or a Majority of them, shall do, in and Touching the premises and the same shall be ever binding on this State; Provided always, that the Commissioners to be appointed by the State of North Carolina, shall have as extensive powers vested in them by that State as are hereby vested in Commissioners of this State.

GOV. CASWELL TO HON. CHAS. THOMSON, SECRETARY OF CONGRESS.

[From Executive Letter Book.]

NORTH CAROLINA, July 9<sup>th</sup>, 1786.

SIR :

I am honored with your letters of the 1st of June, enclosing a state of the representation in Congress for April and May; 6th June announcing the appointment of his Excellency Nathaniel Gorham, President; and the 9th June enclosing two copies of the continuation of the Journal from the 3rd of March to the 2nd of June; and also two Copies of the Treaty of Commerce between the United States and the King of Prussia.

I have the honor to be,

With great respect and esteem Sir,

Your mo. ob. & very humbl. Servt.,

R. CASWELL.

---

GOV. CASWELL TO HON. JAMES WHITE.

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[From Executive Letter Book.]

NORTH CAROLINA, July 9th, 1786.

SIR :

I have the honor to receive your letter of the 8th of June some two days past. I am really sorry the Indian Treaties had been received and entered on the Journals of Congress previous to your arrival at Congress, and not a little surprised at the mode of ratification in those cases being so different from that observed with other Sovereign Powers, as the Commissioners under the authority of Congress were pleased to treat with the Indians & under that Character I did suppose the same Formalities & essentials would have been adopted in the Ratification, but I find in that I have been as much mistaken as I was in respect to the right the Commissioners assumed of Ceding the Soil belonging to the State to the Indians. I will not at present attempt advising what may be necessary to be done on this head. Col. Blount is arrived but I have not seen him. I wish to converse with him on the business.

I sincerely wish it was in my power to give you assurances of the payment of the balance of your Salary at New York, but that appearing to me impracticable, I have forwarded to Col. William Blount a warrant in your favor for £256, which I hope will be received in time to be of some use to you.

I have the honor to be,

With sentiments of great respect

And esteem Sir,

Your mo. ob. Servt.,

R. CASWELL.

---

GOV. CASWELL TO JOHN HAYWOOD, ESQR.

---

[From Executive Letter Book.]

KINGSTON, July 9th, 1786.

SIR :

I have received from the Board of Treasury Sundry Letters and proposals for the purchase of our public Tobacco, which I laid before the Council of State, who were pleased to advise me respecting the same, as will appear by a copy from their Journal. Enclosed I have also forwarded the Board of Treasury a Copy and requested their further advice and directions, on receipt of which you shall be informed of the same. In the mean time, I request you will please to pay attention to the recommendation of the Council, by causing a survey of the Tobacco to be made to ascertain the quantity, and in case of any being damaged to have it reinspected. What gave rise to this, was a report of some being sunk in Boats, and other lying out in the weather. A particular Report thereof, the quality, quantity and number of Hhds, and the places at which the same are stored, will be necessary to be forwarded to me with the greatest expedition.

With great respect and esteem,

I am Sir, your mo. ob. Servt.,

R. CASWELL.

---

GOV. R. CASWELL TO HON. WM. BLOUNT.

---

[From Executive Letter Book.]

KINGSTON, July 9th, 1786.

SIR :

I have had the honor to receive your letter of yesterday's date. I do not conceive myself by any means authorized to give you assurances that your salary shall be paid regularly in hard money. Were I to do so, it would be only disappointing you and involving myself into difficulties, the impracticability of effecting such pay-

ments being so well known to you, I need not enlarge on the subject. Agreeable to your other requisition you will be pleased to receive herewith warrants to the amount of eight month's salary for the ensuing year.

I have the honor to be,

With great respect and esteem Sir,

Your most obedient Servant,

R. CASWELL.

---

GOV. CASWELL TO COMMISSIONERS OF THE BOARD OF TREASURY.

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[From Executive Letter Book.]

NORTH CAROLINA, July 9th, 1786.

GENTLEMEN :

I am honored with your letters of the 29th of May and 8th June, enclosing Copies of the Correspondence passed between the Treasury Board and Robert Morris, Esqr., on the subject of our public Tobacco; and also, proposals for purchasing the same by Nicholas Romaine, Esqr., which I did myself the honor to lay before the Council of State for advice. That Board came to the Resolutions which I have the honor to enclose you a Copy of.

I confess my own opinion was different from the Gentlemen of the Council, perhaps governed in too great a degree by a most anxious desire of making as speedy payments as possible of some part of our Debts. We cannot take upon us to say what might have been the intention of the Assembly regarding the Sales of Tobacco, but I am certain, had the price offered have been such as the Council would have conceived adequate, that Board would have advised me to order a delivery of the Tobacco, to one or other of the Gentlemen which I should not have hesitated to perform.

By the returns of the purchasing Commissioners, I find there are lodged in Lockhart's warehouse, a small distance above Edenton, two hundred Hogsheads of Tobacco, and one hundred and fifteen Hhds. at Ryan's warehouse, two miles from the former, these make 315 Hogsheads, and weigh 354,000 lbs net and can be with the same facility taken off at these warehouses as at Edenton. At Washing-

ton there is stored in warehouses belonging to Mr. Richard Blackledge and Messrs. J. G. Blount & Thos. Blount 363,000 lbs net.

The warehouses in Wilmington being not long since destroyed by fire, storage could not there be had, or the greater part of the purchase at Fayetteville would have been before this at that place. I am informed a large warehouse is now building, and will be ready for the reception of the public Tobacco by the 20th Inst. The Commissioner assures me no time shall be lost in transporting the Tobacco to that place, and that he expects to have there early next month 520 to 530 Hhds. ready for shipping.

Thus, Gentlemen, you have as circumstantial an account of this business as I am able to give you. I consider the State under great obligations to you for going out of the immediate line of your duty to serve her Citizens. Permit me to entreat you will be pleased to proceed in this business, and do therein what appears to you to be right and consistent with the interests of the United States in general, of this State in particular. And advise me of such measures as you shall think proper to adopt as early as possible, that I may communicate the same to the purchasing Commissioners whose duty it will be to deliver the Tobacco.

I have the honor to be,

With sentiments of respect and esteem, Gentlemen,

Your mo. ob. & very humbl. Servt.,

R. CASWELL.

---

GOV. CASWELL TO JNO. C. BRYAN, ESQR.

---

[From Executive Letter Book.]

KINGSTON, July 10th, 1786.

SIR :

Mr. Isaac Wheeler informs me that you have yet in custody of those Negroes brought in by him from Nova Scotia Sam and Peter, which have not been claimed by any persons, citizens of the United States; and as the two months mentioned in the order of Council of the 23d of March last giving claimants an opportunity of coming in have long since expired, you are required to deliver the said negroes,

or if one of them is claimed, to Mr. Isaac Wheeler on his paying the Charges incident to their confinement.

I am Sir,

Your most obedient Servant,

R. CASWELL.

---

GOV. CASWELL TO ALFRED MOORE, HUGH WILLIAMSON,  
J. G. BLOUNT & PHIL. HAWKINS.

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[From Executive Letter Book.]

KINGSTON, July 10th, 1786.

(Circular.)

SIR :

Having received from Massachusetts, Virginia, Pennsylvania and some other of the United States, Acts and Resolutions of such States, respecting the appointment of Commissioners to take into consideration the trade of the United States and to report to the several States such a Draft of an Act, relative thereto, as will best promote the Commercial Interest of the United States, I laid them before the Council who, on observing the time proposed by those States for the meeting to be on the first Monday in September next, at the City of Annapolis, which Time being prior to that appointed for the meeting of the General Assembly, thought proper to advise me to appoint Commissioners on the part of this State and recommended Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount & Philemon Hawkins, Esquires, or any two of them to be so appointed, who are to attend at the time and place aforesaid ; or at any other Time or place that may be judged more proper, and that the Governor grant warrants on the Treasurer in favor of such of the Commissioners as shall signify to him their intentions of attending, for one hundred pounds each, such Commissioners to be accountable for the same.

Mr. Nash has signified it will be agreeable to him to go on this business; and the design of this is to acquaint you with the Resolve of Council and request you will be pleased to write me whether it will be agreeable to you to accept the appointment, in which case I

shall forward you a Commission, the Warrants, and such Copies of the papers laid before me as may be proper for your further information.

I have the honor to be,

With great Respect & Esteem Sir,

Your most obedient Servant,

R. CASWELL.

---

GOV. CASWELL TO JOHN GRAY BLOUNT & HUGH WILLIAMSON.

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[From Executive Letter Book.]

KINGSTON, July 10th, 1786.

SIR :

I have the honor to enclose you a Commission directed to all the Commissioners appointed to attend a Convention of Commissioners from the several states in the Union, tho' Mr. Moore and Mr. Hawkins have not favored me with an answer to my letter informing them of their appointment.

I have also forwarded to Mr. Nash and Mr. Blount Commissions of the same Tenor and date, the duties required are mentioned in the Commission; of course no further instructions are necessary.

The proposal for this Convention originated in Virginia, the time and place also by their Commissioners. Massachusetts and Pennsylvania have officially informed me of their accession to the measures; several of the other States have also come into these measures of which I have no official account.

I wish you an agreeable Tour, and that this grand object may be considered and reported in such manner as to prove satisfactory to all the States.

With great respect & esteem, &c.,

R. CASWELL.

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GOV. CASWELL TO HON. ABNER NASH.

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[From Executive Letter Book.]

KINGSTON, July 10th, 1786.

DEAR SIR :

I have the honor to enclose you herewith a Commission, directed to all the Commissioners, for meeting the other Commissioners of the other States, to take into consideration the Trade and Commerce of the United States, and a warrant on the Treasury in your favor for £100, to defray your expences in this service. I have delayed this business longer than I wished on account of my waiting to know the sense of the other Gentlemen in the Commission.

I had written to them many weeks past and informed them that you had consented to go, and I wished to be informed if it would be agreeable to them to undertake the business. Dr. Williamson and Mr. Blount have answered in the affirmative. To them I also forward Commissions and warrants similar to yours.

I have the honor to be,

With great respect and esteem Sir,

Your mo. ob. & very humbl. Servt.

R. CASWELL.

---

GOV. VANDIKE, OF DELAWARE, TO GOV. CASWELL.

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[From Executive Letter Book.]

STATE OF DELAWARE,

NEWCASTLE, July 12th, 1786.

(CIRCULAR.)

SIR :

Certain communications from the States of Massachusetts, Pennsylvania, Maryland and Virginia, proposing a Convention of Commissioners from the several States in the Union, for the purpose of considering the Trade of the United States, and forming a System of Commercial Regulations necessary to their common interest and



permanent harmony, having been laid before the Legislature of this State, I have now the honor of informing your Excellency of their Concurrence with those States in so laudable and useful a Measure, and of enclosing you a Copy of their Resolutions on that Subject.

With the greatest respect,

I have the Honor to be

Your Excellency's

Most Obedient and

Humble Servt.,

NICH. VANDIKE.

---

GOV. CASWELL TO HON. MEMUCAN HUNT.

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[From Executive Letter Book.]

KINGSTON, July 12th, 1786.

SIR :

The frequent complaints as respecting frauds committed in the accounts passed by the Commissioners of Army accounts, was an inducement to the Council to pass the Resolves of which I have the honor to enclose you a Copy. That part relating to the stoppage of payment of the certificates granted since the last Assembly I am to request you will be pleased to attend to and observe.

Mr. Blanchard waits on you with a due Bill granted in May, 1785, for which he has actually advanced the Cash supposing that the same would on its being presented at the Treasury, be immediately paid, and lest any difficulty should arise has desired a line from me on the subject. I presume there can be none, unless there is not money sufficient to pay the whole, and in that case if you can serve Mr. Blanchard, who is no Speculator, but did advance his money to enable the printers to procure paper for the public and receive this due Bill in exchange, you will oblige me.

I am Sir, your most Obedt. Servt.,

R. CASWELL.

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GOV. CASWELL TO COMMISSIONERS FOR LIQUIDATING  
ARMY ACCOUNTS.

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[From Executive Letter Book.]

KINGSTON, July 12th, 1786.

GENTLEMEN :

Many complaints having been made & frauds suggested in the accounts by you passed since the last Assembly, was an inducement to the Council to pass the Resolutions of which the enclosed is a copy. And it becomes my duty to request you will be pleased to attend to that directing the accounts and vouchers to be laid before the General Assembly.

I am Gentlemen, your mo. ob. Servt.,  
R. CASWELL.

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GOV. CASWELL TO GENERAL ARMSTRONG.

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[From Executive Letter Book.]

KINGSTON, July 14th, 1786.

DEAR SIR :

I have this day received a letter of the 10th Inst. from Col. John Salter, informing me that Col. James Gorham had destroyed his Commission 6 months past, and refuses to give any orders, that the Militia is much out of order, and that reports by General Simpson and others have been propagated so as to induce a belief that Commissions dated before the peace, are of no effect, desiring new Commissions to be forwarded to him.

Now Sir, you know that unless Col. Gorham had made a formal resignation of his Commission no new one can regularly issue, and if he thinks proper to do so, the advice of the Council must be had on the appointment of his Successor, who is to continue in office only until the succeeding Assembly. As I have not a list of the present field officers for Pitt, I have taken the liberty of troubling you with the Commission ; please to fill in the four for the field

officers, according to the Assembly's appointment. On presenting Col. Gorham's Commissions, he will of course inform you if he means to continue in office; if he does, please to deliver him the 36 Commissions for Captains, Lieutenants and Ensigns of 12 Companies, to be filled in by him, and the Companies properly arranged, numbered and returned. If he declines acting, be pleased to deliver them to the Lieut. Col. whose duty it will be to do his business, and I rely on your giving the necessary orders, for their arrangement, the Exercise of the Regiment, and a proper return to be made. I presume Col. Salter is the Lieut. Col. If he is, and Col. Gorham declines, his vigilance will not want a spur. I expect orders will be sufficient for him.

I am really concerned to hear Col. Gorham is so dissatisfied. It will give me pleasure to know that he retracts and will enter spiritedly into the business. If he accepts the Commission and does not attend to orders you, I have no doubt, will do your duty.

Excuse the trouble I give you, out of the immediate line of your duty. It being within your own County, was the inducement to it.

With much esteem and respect,

I am Dr. Sir, your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO COL. JOHN SALTER.

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[From Executive Letter Book.]

KINGSTON, July 14th, 1786.

SIR :

Your letter of the 10th Inst. I have before me, and am much concerned about the Pitt Militia which I always considered as equal at least, to any in the State, and in general well Officered, should now be found defective, and the principal Officer dissipated, so as to omit doing the necessary duties of his Office.

Col. Gorham has not formally resigned that I know of, and not having in my possession any list of officers appointed since I went out of administration, in 1780, by those who have been in administration since, I cannot fill in the Field Officer's Command indeed

until Col. Gorham resigns, which he may do, if he pleases, to General Armstrong. No command to supply his place can regularly issue, and then not without the advice of the Council, and the appointment to continue until the next Assembly only under these circumstances. I find forty Commissions to General Armstrong, 4 for the field officers, and 36 for the Captains, Lieutenants & Ensigns of 12 Companies. To him I shall write to fill up the field officers Commissions agreeably to the Assembly appointment; the others to be delivered the Colonel, if he will continue to Act, if not to the Lieut. Col. to be by him filled up, and the Companies properly arranged. At the same time I shall request the General to give the necessary orders for this arrangement, the Exercise of the Regiment, and a proper return to make; all of which I hope will prove satisfactory to you.

With much esteem I am Sir,  
Your most obedient Servant,  
R. CASWELL.

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HIS EXCELLENCY GOV. COLLINS, OF NEW YORK, TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW PORT, July 15th, 1786.

SIR :

I have the honor to transmit your Excellency a Resolution of the legislature of this State, that passed at their last Session, which I sincerely wish may have a happy effect.

I am, with Highest Respect,

Your Excellency's Most Obdt. Servt.,

JOHN COLLINS.

RESOLUTION OF THE GENERAL ASSEMBLY OF RHODE ISLAND.

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[From Executive Letter Book.]

IN GENERAL ASSEMBLY, June Session, 1786.

Resolved, That the Honorable Jabes Bowen, Esquire, and Samuel Ward, Esquire be, and they are hereby appointed Commissioners on the part of this State to meet such commissioners as are or may be appointed by the other States in the Union, at a time and place to be agreed on, to take into Consideration the Trade of the United States, to examine the Relative Situations and Trade of the said States, to Consider how far an uniform System in their Commercial Regulations may be Necessary to their Common Interest and permanent Harmony, and to report to the Several States such an Act relative to this important Object as when unanimously ratified by them, will enable the United States in Congress effectually to provide for the same, and that his Excellency the Governor be requested to send to each of the Supreme Executives of the Several States in the Union a Copy of the foregoing Resolution as soon as may be.

A true Copy.

Witness: THOS. SHERBURNE,  
Deputy Sect'y.

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MR. PETRY TO GOV. CASWELL.

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[From Executive Letter Book.]

CHARLESTON, 17th July, 1786.

SIR :

His Majesty having granted leave of absence to the Chevalier de Chateaufort his Consul for the States of Carolina & Georgia has been pleased to appoint me in the Interim of this Consulship.

My distance from North Carolina don't permit me to know the Measures taken for the repayment of the advance due, made by the

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Government of Martinico, in consequence of the Resolution of the Honorable Legislature in 1784.

I shall be very much obliged to your Excellency, to let me know if you have given to Mr. Blount over the warrant of two thousand Dollars, another for the Relique of the Sum due, to enable him to make remittances at New York or Philadelphia in produce of the State, the neat amount of which is to be employed to the payment of that debt so long standing. The new emission of paper money will, I hope, permit the finances of your State, to let you apply some to that purpose; and the repeated promises made by you and your predecessor in office assure me that the State will do its utmost for the final payment.

I shall be very happy if my residence here will give me opportunity to be of any service to you, my punctuality to fulfil your commands will assure you, with the regard and respect with which I am Sir,

Your Excellency's most humble & obdt. Servt.

PETRY.

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HONORABLE WM. CUMMING TO GOV. CASWELL.

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[From Executive Letter Book.]

EDENTON, 17th July, 1786.

DEAR SIR :

Your Excellency some time ago condescended to enclose me your Certificate for two hundred and 56 pounds on the Treasurer which was presented to him and there being no money it remains yet unpaid on Account of the Fatal Depreciation attending our paper Currency and the disadvantage of making remittance in Country Produce to the Northward, which would sink of the Capital at least 50 per Cent., the Sum to be received would by no Means answer the Style and dignity of a Member of Congress. You have had a long acquaintance with me, and know perfectly well my plain manner of expressing myself, and I am Necessitated now to say that I depend upon your Excellency sending me a Certificate for the Balance allowed by the State, and a Sufficient Sum for going and coming,

as I shall set off for New York in a very few days, being perfectly satisfied that some of the Members are willing to return who, by this time, I suppose are *poor indeed*.

I have run through a long spell of sickness but am now on the Recovery, though obliged to use another hand in writing this letter. You did me the Honor in my last progress to Congress to wish me success and reputation and promised to supply me with documents and Instructions. It would give me great pleasure to keep up a constant literary correspondence with you, if not as official letters, letters of Friendship and Communication. Will keep a diary of public transactions of which you shall have Constant information, and anything else worth notice, foreign and political, shall be transmitted to you. I hope you will believe that all your commands shall be punctually attended to. There is a little office I have held many years under your appointment. As to *Lucre* trifling, but in its consequences of great importance, as the Interest of Merchants' and Trade and Commerce greatly depend on the Integrity of the Officer. I should therefore be very sorry to see it entrusted in any Venal or corrupt person's power or possession for which purpose I shall entreat your Excellency to enclose a Commission during my absence to Mr. Blake Baker, to officiate as Notary Public for the district of Edenton. My nephew Mr. Hamilton who officiated during my absence before, now being to the northward I cannot say when he will return.

My Doctor tells me it is Necessary I should be at the Northern air. Ill natured people may say I want the public money to reform my Constitution but be assured if there is a full representation and if the Honorable Members of Congress for this State will say they can do without me; I shall seek a private retirement and live upon my own money.

Let me Conclude with wishing your Excellency every Honor in your Public Station and every happiness in your private life, declaring that I am with Sincerity, Dear Sir,

Your obedient and very Humble Servt.,

WILL. CUMMING.

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GOV. CASWELL TO MAJ. ROBERT FENNER.

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[From Executive Letter Book.]

KINGSTON, July 17th, 1786.

SIR:

I have the honor to enclose you a Copy of an order of Council respecting the final settlement of Certificates of the Officers and Soldiers of our late Continental line, and lest you should pay no greater respect to that than you was pleased to shew to the Resolve of the General Assembly presented you by the Public Treasurer, I also enclose you a Copy of a Resolve of the United States in Congress assembled, of the 3rd Nov., 1783, by which I find such Certificates are to be deposited as the Supreme Executive shall direct.

Under these circumstances, to remove the complaints if possible, and to fulfil as near as may be the intentions of the Assembly, as well as the Council of State, as the Supreme Executive Officer of the State I request you will be pleased to deposit in the hands of Memucan Hunt, Esqr., Public Treasurer, all such Certificates for arrears of pay due to the Officers and Soldiers of the late Continental line of this State, (for the benefit of the Individuals to whom they belong) which at this time remain in your hands, whose receipt shall indemnify you for so doing.

I have the honor to be,

With sentiments of respect and esteem, Sir,

Your most obedient Servant,

R. CASWELL.

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GOV. CASWELL TO HON. MEMUCAN HUNT.

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[From Executive Letter Book.]

KINGSTON, July 17th, 1786.

SIR :

I have this day written to Capt. Fenner on the subject of the final settlement certificates, a copy of my letter, of the order of Council



and Resolve of Congress alluded to. I enclose you, to the end, that in case he should change his opinion, or deem it necessary under the Resolution of Congress, to attend to the direction of the Supreme Executive, you may be prepared either to demand or receive the Certificates, if he is pleased to give them up. You are requested to take down the number of individual names and the sum expressed in each Certificate, a list of which you will be pleased to transmit to me, as soon after the receipt as practicable.

I am with great respect & esteem, Sir,

Your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. JOHN GRAY BLOUNT.

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[From Executive Letter Book.]

KINGSTON, July 20th, 1786.

SIR :

Herewith you will receive copies of a Resolution of the State of Virginia, and a letter from Mr. Randolph, proposing the time and place of meeting of the Deputies from the different States, a Copy of the Resolution of Massachusetts on that head, a copy of the resolution of Pennsylvania and their appointment of Commissioners on the same subject, and a Copy of the Resolve of Council, of this State, recommending the appointment of Deputies.

The Commission forwarded you a few days past, is expressive of the duties required of the Commissioners of this State, but as it may be proper for you to have a full information on the business as I am able to give, these papers are forwarded to you, with a request you will be pleased to have copies made and transmitted to Mr. Nash and Mr. Williamson as soon as practicable. I would not give you this trouble but your brother, Col. Williams, is waiting, and I have not time, to get the other Copies made, you will please to observe that I answered Mr. Randolph's letter, and informed him the Executive was advised to appoint Commissioners agreeable to the Tenor of your Commission.

I am with much Esteem, Sir, your ob. Servt.,

R. CASWELL.

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MR. PETRY TO GOV. CASWELL.

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[From Executive Letter Book.]

CHARLESTON, 27th July, 1786.

SIR :

I have the Honor to enclose you a copy of our Sentence in the affair between Frederick Rheinsward & Xavier Martin, concerning the French horse of J. J. Coulougnac, residing at New York, by which Xavier Martin has been condemned to pay to the said Frederick Rheinsward the sum of £589 14/ 11d with Carolina currency, Balance of his own current account sent to J. J. Coulougnac, at New York, the Copy of which is also enclosed hereto, and the said Frederick Rheinsward was to receive from the said Xavier Martin a bill of Exum of £88 5/, and to pay to him the said amount eight days after the delivery of the whole, with one sum of £47 17/ for his expences and another of £7 5/ 9d for payment of duties made to the State, allowed to him by the aforesaid sentence, in deducting from those Sums 27 pounds due by Messrs Ogden and J. J. Coulougnac which has been left to the account of the said Martin.

By that sentence we have preserved the right to the said Martin to prosecute the said Coulougnac for the payment of his Salaries at the rate of fifty Guineas a Year, which Sum was promised him, or to give us sufficient proof that such a sum has been granted to him.

The said Martin has refused till now to comply to the execution of our sentence & but a small part of the produce announced in his current Account has been found, the rest having been employed by him, as it appears, to his Benefit. I beg your Excellency to give immediate Orders to any officer of the State to Execute, Aid and Assist to put into execution our sentence against the said Martin by any mode you will think proper. He claims some salaries, but I have in my own hands a copy of a Memorandum written by said Coulougnac on the 29th December, 1785, that he was to give to the said Martin only his Table and Lodging, and is indebted to him in the sum of 44 pounds, New York Currency, which Sum must be brought against him and added to the £589 14/ 11d if he has a letter of the said Coulougnac fixing or granting him Salaries I will

make no difficulties to pay them to him when he will have complied with our Sentence, as I wrote to him myself.

Moreover, the said Martin has to furnish an Account of the Sale of the following Articles, viz :

2 ps Cambrick (£1 /120) French Livres.

3 do Muslin (£1 /230) prime cost.

1 ps Rateen.

1 do flannel.

I hope your Excellency will be so good as to enforce, at the same time, the said Martin to give an Account of the Sale of those Articles and to make the immediate payment of the price they have been sold for.

T. T. Coulougnac died some time in March & by my Office I am the Administrator of any French Estates when they die abintestate, in consequence of which I let it be known to Frederick Rheinsward that his powers as Attorney were Null and Void by the Death of the said Coulougnac, & to bring his accounts and deliver to me the Sums or bills he had Received for the said Estate. He has done neither. While he brought in an account to me since, though I have forbidden him to sell or dispose of anything belonging to said Estate, it appears by his letters and by a protest made at New Bern on the Eleventh of this Month, which I have received, that he has sold the Bill of Ben Exum at the loss of 40 per Cent. and he intends to Sell some more Articles, if I don't send him 70 pounds in six days from the date of his protest. Your Excellency is so sensible of the impropriety, irregularity of such proceedings, and such a conduct as to stop the Effects of it in any Matter whatsoever is, is allowed to a power of attorney not to give an Account of his Expences ; only *I want such sum of money*, &c. I dare say it is not the Opinion of your Excellency the said Rheinsward should have brought to me his account at Wilmington or deposited it at New Bern in the hands of Mr. Henrion, that I Authorize to give you a proper discharge and should have returned to New York in April or May, when I paid his Expences. Such is the Meaning of all my Letters to him; I will Submit to your Opinion whether the Expences made by the said Rheinsward since the day that I paid them off at a trifle less must be reimbursed to him or not. His delays are of his own fault & of Martin ; on no point of view the Estate of T. T. Coulougnac should pay the Expences attending them.

I shall have the honor to observe to your Excellency that the said Martin, if he has disposed of any produce announced in his current Account, cannot be required to give or buy some of the same kind, & he must pay them at the price fixed in the said current Account. It is a breach of trust which the Law of every Nation punishes Most Severely. The Account enclosed hereto will Shew the amount of the Sum due by Xavier Martin, that of the Sale of other Articles mentioned in this Letter excepted.

Messrs. Henrion & Constanten, French Merchants at New Bern, will give a proper discharge to the Officer of the State Ordered by You to Execute our Sentence for anything given to them, as I give them power by this so to do.

I am with the greatest regard, Sir,

Your Excellency's mo. humbl. & mo. ob. Servt.,

PETRY.

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GOV. MOULTRIE TO GOV. CASWELL, RESPECTING MR. THOS. HOOPER.

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[From Executive Letter Book.]

CHARLESTON, July 28th, 1786.

SIR :

Mr. Thomas Hooper acquaints me that his Estate in North Carolina is to be sold by the Commissioner of Confiscated property under a Law of your State from an Idea that he comes within the Act. I must beg leave to observe to your Excellency, that Mr. Hooper was admitted a Citizen of this State by Mr. Guerard our late Governor of the 10th of April, 1783, and I have not the least doubt that proper Vouchers were produced before he would have been permitted to take and Subscribe the Oath as we were very particular at that time in examining every person's Certificate who came from any of the United States. I am therefore in justice to Mr. Hooper, who is a Citizen of this State and entitled to all the privileges thereof, to request your Excellency will be pleased to direct the Commissioner of Confiscated property not to proceed upon the sale of his Estate.

I have the Honor to be,

Your Excellency's Most Obdt. Servant,

WILLIAM MOULTRIE.

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A TREATY HELD BETWEEN THE OFFICERS OF THE STATE OF  
FRANKLIN AND THE CHEROKEE INDIAN CHIEFS.

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[From Executive Letter Book.]

CHOTA FORD, July 31st, 1786.

BROTHERS AND WARRIORS:

We are sorry that you have drove us to the necessity of coming to your Ground to hold a Talk with you after the Grand Peace with our Great People, the Congress, & our own Treaty with you at Dumplin Creek last year. You have now broke thro' all your Talks and Murdered our young Men and stole our Horses from our own Settlement and Robbed and Murdered our Men in Kentucky and on the Kentucky Road and at Cumberland, and have always laid it on the Creeks, but now we have got proof that it is your Warriors that do the Mischief and lay it on the Creeks. We have now come down to talk plain and straight with you and to tell you that North Carolina has sold us all the Country on the North side of Tennessee and Holston; that we intend to settle on it and wish to do it in peace with you all and trade and live friendly with all our Brothers. And, agréable to the Treaty you made with us, we in plain words demand the Murderers from you that killed our people and demand all the Horses you have taken from us and from the People on the Kentucky Road & Cumberland, on which Terms we will be Brothers with you all and continue so until you do more Murder on our frontiers, at which time we will come down and destroy the Town that does the Mischief and not let one of the Murderers live in the Towns that are peaceable and friendly. And if you are afraid of the other Indians, we will protect you and help you fight them, on which terms we will make peace with you & be friends. If not, we are Warriors, and it is what you will; if you love peace, give up the Murderers and you shall have peace.

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ANSWERED BY THE TASSEL.

Now, I am going to speak to you Brothers. We have smoked; the Great Man above sent the Tobacco; it will make your Hearts straight; I come from Chota; I see you—you are my Brothers; I see

what has been done is the Cause of your Coming. I am glad to see my Brothers and hold them fast by the hand. The Great Man made us both and He hears the Talk. The Great Man stopped you here to hear my talk. They are my people that spilt the Blood & spoiled the Good Talk a little. My Town is not so. They will always use you well whenever they see you. The Men that did the Murder are bad men and no Warriors they are gone, and I can't tell where they are gone. They lived in Coytoy at the Mouth of Holston. This is all I have to say, they have done the Murder. Now, I give you good Talk. I will tell you about the land. What you say concerning the land I will talk to Congress about, and the Man that sold it I shall look to for it. You say that North Carolina sold you the land over the River. We will talk to all Head Men about it. The Great Man above has sent you this white Talk to straight your Hearts through. I give you this Pipe in token of a straight Talk. I am very sorry my people have done wrong to occasion you to turn your Backs. A little talk is as good as much Talk ; too much is not good.

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Coytoy, August 3rd, 1786.

BROTHERS AND WARRIORS :

We are now in Coytoy and going to give you a straight talk. You all well know that the Great Man over the Water, King George, once commanded us all, & then we were all Brothers. And that the Great Man, the King, got angry with us and came over the Water and killed our men and burnt some of our Houses which caused a War and all your people, the Indians, helped the Great Man over the Water; and we beat you all; and then the Great Man over the Water gave up all this Land to us, the White People, and made a peace with us; and then our great men, the Congress, made a peace with you and agreed to live as Brothers with you all, and gave you such a piece of Land to live on as they thought Right, and so did your brother John Sevier, (Governor of this Country) and his Commissioners at Dumplin last year; but now you have broke all the good Talk and your people have Murdered our young Warriors, Your Brothers at Kentucky, Cumberland and here at home, and have killed our people, as you did when you were help-

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ing the Great Man over the Water, and have always laid it on the Creeks; but now we know it is your People that does the Mischief, and to convince you that we are willing to live as Brothers, we have Marched a few of our Warriors into the Town that killed our young Men and burnt the Town House, where your people held the Council to kill our Men, and have burnt the bad Men's houses & destroyed as much Corn as we thought belonged to them; but have not Marched to any other Town where our honest Brothers live, but have sent for them all to come & Talk and Smoke and Eat with us and let them all see that we will not hurt any of their people, our Brothers, that are honest and will not kill our People. And we now tell you in plain words that if you kill any more of our people we will come down and destroy the Town that does the Mischief unless you bring the Rogues to us, and if our people has killed any of your People since we came down you must blame your bad men for it, for we do not know your bad men when they are in the Woods. You have killed our old commanders Colonel Donelson & Col. Christain, who were always your friends when you were Brothers, and were our great Warriors and Councillors. And as you may not be any more deceived, we now tell you plainly that our Great Councillors have sold us the Lands on the North side of the Tennessee to the Cumberland Mountain, and we intend to settle and live on it; and if you kill any of our people for settling there, we shall destroy the Town that does the Mischief; and as your People broke the peace you made with Congress and us and killed our Men, it was your fault that we came out to war. We have the Right to all the Ground we Marched over, but if you wish to live as Brothers and be at peace, we will let you Live in Coytoy as Brothers in your old houses, if you will agree to give up the Murderers when you can get them. And we only claim the Island in Tennessee at the Mouth of Holston and from the Head of the Island to the dividing Ridge between Holston River, Little River and Tennessee to the Blue Ridge and the Lands North Carolina sold us on the North side of Tennessee, which line and Terms we will agree to lay before our great Council. And if you will agree to live as Brothers & friends, notwithstanding our taking of it by the Sword, which is the best Right to all Countries, we will do our best endeavors to get our Council to give you all some goods in token of our second peace and asking friendship, altho' you refused to give

up the Murderers at Chota Ford when we sent to you and demanded them of you, agreeable to your Treaty with us, before we did you any harm; which had you have done, we would not have Marched into your Town, but have taken you by the hand and been Brothers. Now, can you blame us when your people broke the good talks and spilt our Blood? We call upon the Great Man above to Witness, and you yourselves know that we have Acted agreeable to our former Treaty and only wish to punish the bad men and settle on the Land North Carolina sold us.

WM. COCKE,  
ALEX. OUTLAW,  
SAMUEL WEAR,  
HENRY CONWAY,  
THOMAS INGLES,  
OLD TASSEL, his X mark,  
HANGING MAN, his X mark.

Attest: JOSEPH CONWAY.

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ANSWER.

AUGUST 3RD, 1786.

BROTHERS:

Yo have spoken to me. I am very thankful to you for it, my Brother William Christain took care of every Body and was a good Man; he is dead and gone. It was not me nor my people that killed him. They told lies on me. I loved Col. Christian and he loved me. He was killed going the other way over the big River. I never heard of your great Council selling you the Land you speak of. I talked last Fall with the Great Men from Congress, but they told me nothing of this. I remember what the Great Men and I talked of together last fall and did not think this Murder would have happened so soon. We talk good together now, but the great people a good way off don't talk so good as you. They have spoken nothing to us about the Land; but now you have told us the truth, we hope we shall live friends together on it and keep our Young



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Men at Peace, as we all agree to assign the above terms and live Brothers together, hereafter.

WM. COCKE,  
ALEX. OUTLAW,  
SAML. WEAR,  
HENRY CONWAY,  
THOMAS INGLES,  
OLD TASSEL, his X mark.  
HANGING MAN, his X mark.

Attest: JOSEPH CONWAY.

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MAJ. ROBERT FENNER TO GOV. CASWELL.

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[From Executive Letter Book.]

HALIFAX COUNTY, August 1st, 1786.

DEAR SIR :

Your Excellency's Letter of the 17th July I received the 21st Ult., and must beg the favor of your Excellency to lay the enclosed papers before the Council that assisted in Making up the Order I received therewith.

Having acted in the department of Agent to the late line of this State, in a manner to defy a well founded accusation from the most malicious detractor, I must confess myself at a loss to account for an expression in your Excellency's letter, which appears to fix the Necessity of a resolution of Council on a disposition *to remove complaints if possible*. If any regular Complaint has been made Your Excellency cannot do me a greater favor than to use your Authority to Compel the complainants to bring forward at the next General Assembly an accusation against my conduct in that department. I will attend to meet and Confute the Same.

With all due respect,

I have the honor to be

Your Excellency's most Obdt.

And Humble Servant,

ROBERT FENNER.

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MAJ. ROBERT FENNER'S ADDRESS TO GOVERNOR AND COUNCIL.

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[From Executive Letter Book.]

STATE OF NORTH CAROLINA,  
HALIFAX COUNTY, August 1st, 1786.

May it please your Excellency and Honors :

An Order of Council bearing date at Kingston, July the 4th, 1786, I have received, and must beg leave to offer to your Consideration my reasons for Neglecting to comply with the Resolution of the last Assembly, respecting the final Settlement Certificates in my possession.

The resolution of the Assembly being publicly known previous to an Application for surrender of them by Mr. Hunt, I had received from Several Officers a request to detain their Certificates in my possession (should I think of Complying with the Resolution in Making the delivery), and also, the Claims of Sundry Soldiers, the right to which they Stated to be in *their possession*—the reasons assigned by them for making the request was, that the Specie still due on the final Settlement, not yet being put into my Hands, they were desirous of leaving with me their Certificates until they could entirely Complete their Settlement. Added to this, every Officer with whom I had an opportunity of Conversing, was of Opinion that the Assembly must have proceeded on misinformation; and Mr. Jackson, Assistant Commissioner, with whom I transacted the Business, informed me, that it was never the Intention of Congress that the State should meddle with the appropriation of the Certificates until it was supposed that all would be claimed were issued on these principles. I thought myself perfectly Justifiable in Neglecting to make a partial delivery of Certificates to Mr. Hunt, which could only tend to derange the Business and leave a much greater opening for speculation and fraud than could possibly take place while the Certificates remained with me.

To endeavor to Convince your Excellency and Honor of the propriety, and indeed almost Absolute necessity of leaving the Certificates some time longer in my possession, I must beg permission to acquaint you that I have just received from the Treasury Board of

the United States, Orders on Mr. Skinner, Commissioner of Loans for the State, for the sum of thirteen thousand three hundred and sixty-seven 34-90 dollars, in part of the Money stated before to be due to the late line of this State. Whether Mr. Skinner may have it in his power to discharge these orders or not, I shall be under the necessity of shortly communicating with the Officers in what manner the Orders are to be disposed of, at which time they will no doubt expect to receive their Certificates from me. I enclose a Copy of Mr. Pierce's Official Letters respecting the Money part; together with a copy of the receipt taken from me, which will be sufficient to convince your Excellency and Honors that over this part of settlement this State has no control. The very low state of the public Treasury has been the Reason why the Business has not been entirely Completed; and I must declare that to separate it at this period would be productive of so much Confusion that it would be impossible in the future to transact it with accuracy. Exclusive of the Orders I have just received there is a balance on account of subsistence due the Officers of near six thousand dollars, and to the Non-Commissioned and Privates seventeen thousand dollars. These Sums when paid must pass through my Hands. I must of course return my Books and Papers to enable me to complete the business. And I must assure you that to lodge the Certificates in my Hands without the Books would not enable them to make a single issue with certainty.

Mr. Pierce's sentiments, I can inform you, perfectly coincide with Mr. Jackson's, respecting the interference of the State, & I think 'tis extremely evident that Congress could have no other Meaning, as it can not be supposed they would intentionally create obstacles that must tend to evade a Conclusion of the Business, or at least Clog it in such a manner as to prevent dispatch and Accuracy.

Taking all these circumstances into consideration I trust your Excellency and Honors will deem it expedient to rescind your resolution of July the fourth, and suffer me to proceed in the business with regularity. At the next General Assembly I shall attend prepared in all events to comply with their determination respecting the balance of final settlements then in my Hands.

I must confess I cannot avoid feeling greatly surprised at the apparent anxiety of the Legislature to take the Certificates out of my hands. In justice to my own character I will be free to say that no

public department in this State has transacted Business with more accuracy, punctuality and strict attention to the respective Interests of the public and the Individuals concerned, than has been constantly shewn in the issues from this Office.

ROBT. FENNER,  
Agent late N. C. Line.

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REQUISITION FOR THE YEAR 1786.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS, ASSEMBLED,  
August 2, 1786.

Resolved, That for the services of the present year, one thousand seven hundred and eighty-six, for the payment of the interest, and two installments of principal on the French and Dutch Loans, that are payable according to the Contracts, in the beginning of the year 1787; and for the payment of one year's interest, on the Domestic Debt, it will be necessary three millions seven hundred and seventy-seven thousand and sixty-two dollars 43-90ths be paid into the Common Treasury, on or before the first day of January next, to be appropriated to the following purposes: Dollars.

|                                           |            |
|-------------------------------------------|------------|
| For the Civil Department. . . . .         | 169,352.86 |
| Military Department. . . . .              | 168,274.50 |
| Contingencies . . . . .                   | 94,294.65  |
| Indian Affairs. . . . .                   | 6,000.00   |
| The Department of the Geographer. . . . . | 8,953.00   |

FOREIGN DEBT. —

|                                                                                                                |              |
|----------------------------------------------------------------------------------------------------------------|--------------|
| For the payment of Interest due this year on the French<br>and Dutch loans. . . . .                            | 317,985.10   |
| For ditto of Principal and Interest due in the year<br>1787, which ought to be provided for this year. . . . . | 1,392,059.17 |
| For a balance of Interest due on the Spanish loan. . . . .                                                     | 2,396.55     |
| For one year's Interest on debts due to Foreign Officers . . . . .                                             | 11,185.55    |
|                                                                                                                | <hr/>        |
|                                                                                                                | 1,723,626.47 |
| Domestic debt, one year's interest thereon. . . . .                                                            | 1,606,560.65 |
|                                                                                                                | <hr/>        |
|                                                                                                                | 3,777,062.43 |

That the Quotas of the several States be as follows :

|                     | Indents. | Specie.   |
|---------------------|----------|-----------|
| New Hampshire.....  |          | 76,268    |
| Ditto .....         | 56,452   |           |
| Massachusetts.....  |          | 324,746   |
| Ditto .....         | 240,370  |           |
| Rhode Island.....   |          | 46,764    |
| Ditto .....         | 34,613   |           |
| Connecticut.....    |          | 191,135   |
| Ditto .....         | 141,474  |           |
| New York.....       |          | 185,567   |
| Ditto .....         | 137,434  |           |
| New Jersey.....     |          | 120,619   |
| Ditto .....         | 89,279   |           |
| Pennsylvania.....   |          | 296,908   |
| Ditto .....         | 219,765  |           |
| Delaware.....       |          | 32,475    |
| Ditto .....         | 24,037   |           |
| Maryland.....       |          | 204,775   |
| Ditto .....         | 151,570  |           |
| Virginia.....       |          | 371,136   |
| Ditto .....         | 274,707  |           |
| North Carolina..... |          | 157,732   |
| Ditto .....         | 116,749  |           |
| South Carolina..... |          | 139,017   |
| Ditto .....         | 103,015  |           |
| Georgia.....        |          | 23,238    |
| Ditto .....         | 17,167   |           |
|                     |          | <hr/>     |
|                     |          | 2,170,430 |
| Indents.....        |          | 1,606,632 |
|                     |          | <hr/>     |
| Total.....          |          | 3,777,062 |

That the foregoing requisition is made in Virtue of the power of the Confederation, and is obligatory on the States, as and when paid shall be passed to the Credit of the States respectively, on the Terms prescribed by the Resolve of Congress of the 9th day of October, 1779, and shall be applied in conformity to the Statement in

the preceding part of this requisition, giving preference according to the Order in which they are placed in the Estimate.

As one million six hundred and six thousand five hundred and sixty dollars called for it to be applied to the payment of the Interest on the domestic debt, that the several States be allowed to discharge the same by Indents for Interest on Loan Office Certificates, and upon other Certificates of the liquidated debts of the United States, and to Ascertain the evidence of Interest due upon Loan Office Certificates, the Holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the Holders of other Certificates, liquidated debts of the United States, to carry the same to the Loan Office of that State wherein they are inhabitants; or if foreigners to any Loan Office within the United States, and to have the Interest thereon settled and certified to the last day of the year 1785, provided that the Commissioner of the Continental Loan Office of any State shall not in any pretence whatever settle or issue any Certificate or Certificates for the Interest due on any Continental Loan Office Certificate or other Certificates of liquidated debts, until the State for which he is Continental Loan Officer shall have passed a Legislative Act, thereby providing adequate funds for complying with this requisition; nor shall the Commissioner aforesaid in any State that shall have complied with this requisition issue any Certificate or take any other Measure whereby a discrimination may be made by such State, between the Holders of Loan Office Certificates issued from his Office who are citizens of that State and Foreigners, or the Citizens of any other State that shall have complied with this requisition provided always that any Continental Loan Officer shall issue Certificates for Interest as aforesaid due on Continental loan Office Certificates issued from his Office, and belonging to foreigners; and also, to the Citizens of such States as shall have passed a Legislative Act complying with this requisition.

That every Commissioner of the Continental Loan Office, previously to Settling and issuing Certificates as aforesaid, for the Interest due on Certificates of liquidated debts, other than Loan Office Certificates, shall Administer an Oath or Affirmation, or require a Certificate signed by one of the persons whom the State in which the Commissioner resides, shall in the Legislative act complying with this requisition, appoint that he has administered to the owner

or possessor of every such certificate, an Oath or Affirmation that the same is bona fide the property of the particular State in which the said Commissioner Resides, or of a Citizen or Citizens of the said State, or of some Corporate Body or Charitable Institution within the Same; or of some person who is not a Citizen of any of the United States, describing the Certificate or Certificates alluded to in every such Oath or affirmation in such manner as shall be necessary to indemnify the Same, or as may be prescribed by the Legislature of the said State.

And for preventing the depreciation of Certificates to be issued as aforesaid, the Legislature of each State is required to provide in the act complying with this requisition that if on the first day of July, 1787, the said State's quota of the said Certificates so to be issued, shall not be in the hands of the State Treasurer or other proper Office, the Deficiency shall be collected and paid into the Continental Treasury in Specie, which when so paid is hereby appropriated to the redemption of such surplus Certificates.

That the Board of Treasury furnish the Several Loan Officer with Certificates to be issued for Interest as aforesaid; and also, with such checks and Instruction as they from time to time shall Judge Necessary, to prevent Counterfeited Certificates of debts from obtaining a Settlement of Interest, and to detect Counterfeit evidences of Interest, and thereby to avoid receiving them in discharge of Taxes, which Certificates of Interest being parted with by the holders of the principal, shall be deemed evidence that he has received Satisfaction for the Same, and therefore shall be receivable from the Bearer in lieu of Money, in the proportion of one dollar and one third in Specie for one dollar in Indents, in any other State in the Union as well as in the State in which they were issued; that the State receiving such Certificates and paying the same into the Public Treasury, with a proportion of Specie as aforesaid shall have Credit therefor, which payment shall be considered as a discharge of the Interest on the domestic debt, in the proportion that each State avails itself of the said Certificates of Interest, that all Loan Office Certificates issued after the first day of March, 1778, shall be reduced to their Specie Value conformably to the Resolution of Congress of the 28th June, 1780, and the Interest shall be ascertained and settled agreeably to the Specie Value of the Certificates.

Provided, that so far as relates to the State of South Carolina, this requisition be considered as including one Million dollars, being that part of the requisition of the 30th October, 1781, which hath heretofore remained uncalled for, so far as to entitle the said State to the benefit of paying the Same in Such manner, as she was entitled to pay her quota of the said requisition.

CHAS. THOMSON.

HON. WM. CUMMING TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 3rd August, 1786.

DEAR SIR:

By my last of a late date I signified to your Excellency my intention of shortly proceeding to New York, but having a Conversation with my Physicians they tell me my Constitution is so weak and my nerves too debilitated to attempt to undertake that Journey either by land or water, which has induced me to desist from the undertaking this year. This resolution is greatly Strengthened by the information I received from Dr. Williamson that only three Members are to attend at a time, and that the Gentlemen who attended in April may Continue till October, so that it does not seem of Consequence for me to go. No person more willingly dedicated his time to the public Service than myself, but as my attendance will be accompanied with great trouble and Expence to me and no Utility to the State, I humbly request your Excellency, with great Acknowledgments to the Public, to accept of my resignation of a Seat in Congress, and that you will condescend to take my resignation from this day.

I have the honor to be,

With the greatest Sincerity, Dr. Sir,

Your very Obedient Servant,

WILL. CUMMING.

This is a Copy of a Letter dated the 3rd Inst. The Mail being stolen out of the Office is the reason of a Copy. Your Excellency's consideration of an Answer will be very Acceptable. W. C.



HON. CHAS. THOMSON, SECRETARY OF CONGRESS TO GOV. CASWELL. -

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
August 4th, 1786.

SIR :

Pursuant to order I have the honor of transmitting to your Excellency herewith enclosed a state of the Representation in Congress for the month of July, to be Communicated to your Legislature.

With the greatest respect,

I have the Honor to be,

Your Excellency's Most obedient

And most humble servant,

CHAS THOMSON.

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF JULY, 1786, PURSUANT TO THE ACT OF 17<sup>TH</sup> AUGUST, 1785.

[From Executive Letter Book.]

| Members in Town...                                                | 3  | 5  | 6  | 7  | 10 | 11 | 12 | 13 | 14 | 17 | 18 | 19 | 20 | 24 | 25 | 26 | 27 | 28 | 31 | 28 | 29 | 30 | 31 |
|-------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| New Hampshire—Mr. Long, Mr. Livermore                             | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Massachusetts — Mr. Gorham, Mr. King, Mr. Ledgewick Mr. Dane..... | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Rhode Island—Mr. Manning, Mr. Miller...                           | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Connecticut—Mr. Johnston, Mr. Sturges..                           | 1  | 1  | 1  | 1  | 1  | 1  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | 1  | 1  | 1  | 1  | r  | r  |
| New York—Mr. Har- ing, Mr. Lawrence, Mr. Smith.....               | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| New Jersey—Mr. Cad- wallader, Mr. Sym- mes, Mr. Horn- blower..... | r  | r  | r  | r  | 1  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Pennsylvania — Mr Pettit, Mr. Bryan, Mr. St. Clair.....           | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Delaware .....                                                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Maryland—Mr. Henry Mr. Hindman, Mr. Harrison, Mr. Ram- sey .....  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Virginia—Mr. Gray- son, Mr. Monroe, Mr. Carrington, Mr. Lee       | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| North Carolina—Mr. Blount, Mr. Blood- worth, Mr. White..          | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| South Carolina—Mr. Bute, Mr. Pinkney, Mr. Hughes Mr. Parker.....  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| Georgia—Mr. Houston Mr. Fox. ....                                 | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r  |
| States represented..                                              | 10 | 10 | 10 | 10 | 9  | 10 | 11 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 11 | 11 | 11 | 11 | 12 | 12 |

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AN ORDINANCE FOR THE REGULATION OF INDIAN AFFAIRS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,  
August 7th, 1786.

An Ordinance for the regulation of Indian Affairs:

Whereas, The safety and tranquility of the Frontiers of the United States, in some measure, depend on the maintaining of a good correspondence between their Citizens and the several Nations of Indians in amity with them ; and whereas, the United States in Congress Assembled, under the ninth of the Articles of Confederation and Perpetual Union, have the sole and exclusive right and power of regulating the trade and managing all the affairs with the Indians and Members of any of the States ; provided, that the legislative right of any State within its own limits be not infringed upon or violated.

Be it Ordained by the United States in Congress Assembled, that from and after the passing of this Ordinance, the Indian Department be divided into two districts, viz : The Southern, which shall comprehend within its limits all the Nations in the Territory of the United States, who reside Southward of the river Ohio ; and the Northern, which shall comprehend all the other Indian Nations within the said Territory and Westward of Henderson River ; Provided, that all Councils, treaties, communications and official transactions between the Superintendent hereafter mentioned for the Northern district and the Indian Nations, be held, transacted and done, at the outpost occupied by the Troops of the United States, in the said district. That a Superintendent be appointed for each of the said districts, who shall continue in Office for two years, unless sooner removed by Congress, and shall reside within or as near the district for which he shall be so appointed, as may be convenient for the management of its concerns. The said Superintendents shall attend the execution of such regulations as Congress shall from time to time establish, respecting Indian Affairs. The Superintendent for the Northern district shall have Authority to appoint two deputies to reside in such places as shall best facilitate the Regulations of the Indian trade, and to remove them for misbehavior. There

shall be a communication of all matters relative to the Business of the Indian Department, kept up between the said Superintendents, who shall regularly correspond with the Secretary at War, through whom all communications respecting the Indian Department shall be made to Congress. The Superintendents are hereby directed to obey all Instructions, which they shall from time to time receive from the said Secretary at War, and whenever they shall have reason to suspect any tribe or tribes of Indians of Hostile intentions, they shall communicate the same to the Executive of the State or States whose Territories are subject to the effect of such Hostilities. All stores, provisions and other property which Congress may think Necessary for presents to the Indians shall be in the Custody and under the care of the said Superintendents, who shall render an Annual Account of the Expenditures of the same to the Board of Treasury.

And be it further Ordained, That none but Citizens of the United States shall be suffered to reside among the Indian Nations, or be allowed to trade with any Nation of Indians, within the Territory of the United States. That no person, citizen or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian or Indian Nation, within the Territory of the United States, without a License for that purpose first obtained from the Superintendent of the district; or one of the deputies, who are hereby directed to give such License to every person, who shall produce from the Supreme Executive of any State, a Certificate under the Seal of the State, that he is of good character and suitably qualified, and provided for that employment. For such license he shall pay the sum of fifty dollars to the said superintendent for the use of the United States. That no license to trade with the Indians shall be granted for a longer time than one year, nor shall permits or passports be granted to any other persons than the citizens of the United States to travel through the Indian Nations, without their having previously made their business known to the Superintendent of the District and received his special approbation. That previous to any person or persons obtaining a License to trade as aforesaid, he or they shall give bond in three thousand dollars to the Superintendent of the district for the use of the United States, for his or their strict adherence to, and observance of such rules and regulations as Congress may from time to time establish for the government of the

Indian trade. All sums to be received by the said Superintendents, either for licenses or fines, shall be annually accounted for by them with the Board of Treasury.

And be it further Ordained, That the said Superintendents, and their deputies shall not be engaged, either directly or indirectly in trade with the Indians, on pain of forfeiting their Offices, and each of the Superintendents shall take the following oath previous to his entering on the duties of his appointment :

"I, A. B. do swear, that I will well and faithfully serve the United States in the office of Superintendent of Indian Affairs for the ——— district. That I will carefully attend to all such orders and instructions as I shall from time to time receive from the United States in Congress Assembled, or the Secretary at War. That I will not be concerned either directly or indirectly in trade with the Indians, and that in all things belonging to my said Office, during my continuance therein, I will faithfully, justly and truly, according to the best of my skill and judgment, do equal and impartial Justice, without fraud, favor or affection."

And the Superintendent for the Northern district, shall administer to his deputies, the following Oath, before they proceed on the duties of their office :

"I, A. B. do swear, that I will well and faithfully serve the United States, in the Office of Deputy Superintendent of Indian Affairs in the Northern District. That I will carefully attend to all such Orders and Instructions as I shall from time to time receive from the United States in Congress Assembled, the Secretary at War, or the Superintendent of the district aforesaid ; and that in all things belonging to my said Office, during my continuance therein. And I will faithfully, justly and truly, according to the best of my skill and Judgement, do equal and impartial Justice, without fraud, favor or affection."

And the said Superintendents and Deputy Superintendents shall each of them give bond with Security to the Board of Treasury, in trust for the United States, the Superintendents each in the Sum of six thousand dollars, and the Deputy Superintendents each in the Sum of three thousand dollars, for the faithful discharge of the duties of their office.

And be it further ordained, That all fines and forfeitures which may be incurred by contravening this Ordinance shall be sued for

and recovered before any Court of Record within the United States, the one moiety thereof to the use of him or them who may prosecute therefor and the other moiety to the Use of the United States, and the said Superintendents shall have power and are hereby authorized, by force to restrain therefrom, all persons who shall attempt an intercourse with the said Indians without a license therefor obtained as aforesaid.

And be it further Ordained, That in all cases where transactions with any Nation or Tribe of Indians shall become necessary to the purpose of this Ordinance, which cannot be done without interfering with the Legislative rights of a State, the Superintendent in whose district the same shall happen, shall Act in conjunction with the Authority of such State.

Done, &c.

CHAS. THOMSON.

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AN ACT FOR FIXING THE STANDARD OF GOLD AND SILVER COIN.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,  
August 8th, 1786.

On a report of Board of Treasury, Resolved, That the Standard of the United States of America, for Gold and Silver, shall be eleven parts fine and one part alloy.

That the Money Unit of the United States being by the Resolve of Congress of the 6th July, 1785, a dollar, shall contain of fine silver three hundred and seventy-five grains and sixty-four hundredths of a grain. That the Money, of Account to Correspond with the division of Coins, agreeable to the above Resolve, shall proceed in a decimal Ratio agreeably to the forms and manner following, viz: *Mills*, the lowest money of account, of which one thousand shall be equal to the Federal dollar, or money Unit, 0,001. *Cents*, The highest Copper piece of which one hundred shall be equal to a dollar, 0,010. *Dimes*, the lowest Silver Coin, Ten of which shall be equal to a Dollar, 0,100. *Dollar*, The highest Silver Coin, 1,000. That betwixt the dollar and the lowest copper coin as fixed by the Resolve

of Congress of the 16th July, 1785, there shall be three Silver Coins and one copper coin.

That the Silver coin shall be as follows: One coin containing one hundred and eighty-seven grains and eighty-two hundredths of a grain of fine silver, to be called a *half a dollar*; one coin containing seventy-five grains and one hundred and twenty-eight thousandths of a grain of fine silver to be called a *double dime*, and one coin containing thirty-seven grains and five hundred and sixty-four thousandths of a grain of fine silver, to be called a *dime*.

That the two copper Coins shall be as follows: One, equal to the one hundredth part of the Federal dollar, to be called a *Cent*; and one equal to the two hundredth part of a Federal dollar, to be called a *half cent*.

That two pounds and a quarter, Avoirdupois weight, of copper shall constitute one hundred cents.

That there shall be two Gold coins, one containing two hundred and forty-six grains, and two hundred and sixty-eight thousandths of a grain of fine Gold, equal to ten dollars, and to be stamped with the impression of the American Eagle, and to be called an *Eagle*; one containing one hundred and twenty-three grains and one hundred and thirty-four thousandths of a grain of fine Gold, and to be called a *half Eagle*.

That the Mint price of a pound, Troy weight, of uncoined Silver, eleven parts fine and one part alloy, shall be nine dollars, nine dimes and two cents (?).

That the Mint price of a pound, Troy weight, of uncoined Gold, eleven parts fine and one part alloy, shall be two hundred and nine dollars, seven dimes and seven cents.

CHAS THOMSON, Sec'ty.

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RESOLUTIONS OF CONGRESS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,  
August 9th, 1786.

On a report of Committee to whom was referred a Letter from the Secretary of Foreign Affairs.

Resolved, That the Secretary of Foreign Affairs cause to be made out a Separate list of the Numbers, Names and Owners of the negroes belonging to the Citizens of each State, and carried away by the British in Contravention of the late Treaty of Peace, and that he transmit the said lists to the Executives of the States to which they respectively belong.

CHAS. THOMSON, Sec'ty.

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RESOLVE OF CONGRESS RESPECTING THE CESSION OF  
WESTERN TERRITORY.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,  
August 9, 1886.

Whereas, The States of Massachusetts, Connecticut, New York & Virginia, have in consequence of the recommendation of Congress of the sixth day of September, 1780, made Cessions of their Claims to Western Territory, to the United States in Congress Assembled for the use of the United States.

Resolved, That the said subject be again presented to the view of the States of North Carolina, South Carolina & Georgia who have not complied with so reasonable a proposition, and that they be once more solicited to Consider with Candor and Liberality the expectations of their sister States, and the earnest and repeated applications made to them by Congress on this subject.

CHAS. THOMSON, Sec'ty.



GOV. CASWELL TO HODGE & BLANCHARD, STATE PRINTERS.

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[From Executive Letter Book.]

KINGSTON, August 10th, 1786.

GENTLEMEN :

Please to publish the foregoing Resolutions of the United States in Congress assembled, in the State Gazette four weeks successively.

I am Gentlemen,  
Your most obedient Servant,  
R. CASWELL.

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SECRETARY OF CONGRESS TO HIS EXCELLENCY GOV. CASWELL.

---

[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
August 12th, 1786.

SIR :

I have the Honor of transmitting to your Excellency herewith enclosed Sundry Acts lately passed by the United States in Congress Assembled.

1st. A Requisition for the year 1786. This you will receive from the Board of Treasury, who have it in charge to prepare a letter to accompany it but as it has been published in the Newspapers, I have Judged it not improper to transmit to your Excellency an Authenticated Copy.

2nd. An Ordinance for the Regulation of Indian Affairs.

3rd. An Act fixing the Standard of Gold and Silver, the Weight and Value of the Money Unit ; the Money Accompt of the United States and the different Species of Coins.

4th. An Order for transmitting to the several States lists of the

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Numbers, Names and Owners of the Negroes belonging to the Citizens of each State and carried away by the British.

With the greatest Respect,  
I have the honor to be Sir,  
Your Excellency's most obedient  
And most Humble Servant,  
CHAS. THOMSON.

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CHAS. THOMSON, ESQ., TO GOV. CASWELL, ENCLOSING A RESOLVE  
OF CONGRESS.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
August 14th, 1786.

SIR :

I have the Honor of transmitting to your Excellency herewith enclosed an Act of the United States in Congress Assembled, again presenting to the view of North Carolina, South Carolina & Georgia the recommendation of the 6th of September, 1780. As the Compliance with this recommendation is of great importance to the Union, I have kept this Act separate from those transmitted with my Letter of the 12th, that going singly it may become the Sole object of attention ; but though it is made the subject of a Special Letter, yet the Act of the 6th of September, 1780, which is also enclosed, states so fully the motives, end and reasons of this recommendation, that I have only to request, that your Excellency will be pleased to present this Subject again to the view of your Legislature, and favor me with the result of their determination thereon, which from their wisdom, justice and magnanimity will, I trust, be consonant to the Expectations of their sister States and the wishes of Congress.

With the Greatest Respect,  
I have the Honor to be,  
Your Excellency's most Obedient  
And most Humble Servt.,  
CHAS. THOMSON.

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HON. TIMOTHY BLOODWORTH TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, August 16th, 1786.

DEAR SIR :

The Ordinance for regulating the Indian Department is now passed, and the Secretary will transmit it to the different States. I am happy to inform you that after repeated endeavors, we have obliged the Superintendent for the Southern District, to act in conjunction with the Authority of the State in all matters wherein the Legislative Rights of the States may be concerned ; we have also postponed the choice of the Superintendent for that district, at least for some time. When you peruse the Ordinance, please to give advice respecting the choice of the Superintendent ; I will endeavor to prevent it until I am favored with a line from you. The Ordinance for regulating the postage is now under consideration, and hope it will be finished this day ; no material alterations will take place, except a few cross posts, and the postages to be paid in hard money. The Temporary Government for the Western Country is yet under Commitment ; the Treaty with Spain occasions much debate and discontent, the particulars I am not at Liberty to mention (as before observed); this Subject is in a Committee of the whole House and there is great Divisions in the Eastern and Southern Delegates, and I fear no small disquietude will attend the decision should it terminate against us, which there is reason to fear, the Western Country will experience the disadvantage. The subject of Acquiring more powers to the Confederation, is in the Order of the day ; when finished they will be forwarded to you. We have at this time twelve States on the Floor of Congress, but I expect they will withdraw as soon as this Grand Subject is fully decided. I am exceedingly anxious to hear of Col. Blount & Family coming forward ; necessity will press me to return as soon as conveniency will admit ; the delegates of North Carolina are in a disagreeable situation for want of suitable provision. Mr. White has not received anything from the State ; my Naval Stores yet remain unsold. I am very desirous to be relieved in time, and hope to provide better for the next Tower as we are assured of the Friendly disposition of the Foreign Courts, except the Barbary powers with whom we can-

not Negotiate for want of Money ; this Treaty will cost at least one million, what Measures will be pursued on this Occasion is yet unknown, the subject is at present under commitment. Congress has fixed the alloy of Coin, the standard is eleven parts fine gold or silver, and one part alloy ; the Dollar is made the Money Unit by which the Decimal Ratio is fixed in the following manner, viz : *Mills*, the lowest Money of Account, 1000 equal to the Money Unit or Dollar ; *Cents*, the highest Copper piece, 100 equal to a Dollar ; *Dimes*, the lowest Silver Coin, 10 equal to a dollar ; *Dollar*, the Money Unit. By this you will perceive that the mode of keeping accounts, will be altered which I confess was against my inclination as it was contrary to the long Usage ; the Silver Coins are a Dime, double Dime, half Dollar, and Dollar ; the Gold Coins are, Eagle and half Eagle, and quarter of an Eagle, to be Stamped with the American Eagle, the largest to be equal to ten dollars, and so in proportion that the Mint price of a pound, Troy weight, of uncoined Gold eleven parts fine and one alloy, shall be two hundred and Nine Dollars, Seven Dimes and Seven Cents. The Board of Treasury have it in orders to draw up an Ordinance for establishing a Mint, when this is completed we shall want nothing but Bullion ; when this want will be supplied, it is to me unknown. It appears there is some commotions in the Massachusetts about the Gentlemen of the long robe, which order the populace wish to destroy ; they form Committees and are Clamorous. Rhode Island is also in convulsions still about the Paper Currency, with which they are likely to do Nothing ; some Merchants have moved out of the State ; they also form Committees to oppose the passage of the Money while our party endeavors to enforce the law for that purpose.

I remain,

Your Most Obedient Servant,  
TIMOTHY BLOODWORTH.

HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
August 23rd, 1786.

(Circular.)

SIR :

I have the Honor of transmitting to your Excellency herewith enclosed two Copies of the continuation of the Journal of Congress from 1st June to the 8th of the present Month. One for the Executive the other for the legislative branch of Government.

With the Greatest respect,

I have the honor to be,

Your Excellency's Most Obedient &

Most Humble Servant.,

CHAS. THOMSON.

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HON. TIMOTHY BLOODWORTH TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, August 24th, 1786.

DEAR SIR :

Congress has been for some time in a Committee of the whole on the Subject of Instructions to the Secretary of Foreign Affairs, in his Negotiation with a Foreign Minister ; the particulars are confined to the Cabinet. The Committee divided yesterday on the Question & seven States appeared for the proposed Instruction and five against it. Next Monday the Subject will come under Consideration in Congress, how it will end remains uncertain ; it has been debated with some warmth in the Committee and every argument advanced, pro. & con. ; however, all reasoning falls prostrate before Interest, nor is Justice and propriety free from the attack when supported by Federal Compact, the United force of which I fear will be insufficient to Confine in proper limits, this great ruler of human Actions. It appears to be the policy of the Eastern States to embarrass the

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Western Country, to prevent immigration. Congress some time past recommended to the Governor of New York to Convene the Assembly for the purpose of altering the impost, which he refused ; yesterday after the Committee rose this matter was debated and the impost of New York was rejected and the recommendation renewed, which I thought improper, as there is not the least probability of his complying, deeming the Measure unwarrantable by the Constitution. Enclosed you have the orders of the Board of Treasury to Mr. Hindman ; this Gentlemen came to this Town soon after the copy of the Letters sent by Mr. Child, which I laid before the Board without loss of time and received the answer enclosed. I am extremely anxious to hear of Col. Blount's coming forward ; necessity demands my return as soon as the Interest of my Country will admit. Hope I shall be relieved by the last of October if not sooner.

I remain with the highest esteem and regard,

Your Excellency's Most Obedient

And Most Humble Servt.,

TIMOTHY BLOODWORTH.

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HON. T. BLOODWORTH TO GOV. CASWELL, RESPECTING THE DEBT  
DUE THE GOVERNMENT OF MARTINICO.

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[From Executive Letter Book.]

NEW YORK, August 28th, 1786.

DEAR SIR :

Have enclosed to your Excellency a Letter from the Vice Consul of France, who complains of the tardy payment of our State.

The public business makes slow advances. We have not yet considered the Additional Articles to the Confederation, the report of the Grand Committee on that subject has laid some time on the table, but the grand subject of treaties has employed our deliberation for some time past, and I expect will this day make its appearance in Congress. Am sorry it is not in my power to give you the particulars consistent with the rules of the House. The Eastern Delegates often mention the justice of ceding the Western Country to Congress, which I believe arises from the desire to have it in

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their power to embarrass the population of that Country ; which they seem to view with a zealous eye and openly declare on the floor of Congress, their desire if possible is to prevent immigration. It appears to me expressive of that Intention, but as it is yet subject to alteration, the embarrassment may be removed.

With the utmost esteem & respect,

I remain your Excellency's most obedient

And most Humble Servt.,

TIMOTHY BLOODWORTH.

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JOHN JAY, ESQ., SECRETARY OF FOREIGN AFFAIRS, TO  
GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE FOR FOREIGN AFFAIRS, August 28th, 1786.

(Circular)

SIR :

I have the Honor of transmitting to you herewith enclosed an extract of a Letter dated the 27th May last, which I have received from the Honorable Mr. Jefferson ; and also Copies of two other papers which accompanied it, viz : Of the Contract between the Farmers General and Mr. R. Morris, and of a Letter from Count de Vergennes to Mr. Jefferson.

These papers contain some matters of Information which should be known ; but it appears to me that this had better be done without the intervention of the Press, for if our Ministers should find that their letters and communications are sometimes published in newspapers when they do not expect it they would naturally observe afterwards, a degree of reserve and Caution, which would render their Correspondence much less useful, than while unconstrained by such apprehensions.

I have the Honor to be, Sir,

Your Excellency's Most Obedient

And Humble Servant,

JOHN JAY.

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GOV. CASWELL TO JUDGE JOHN HAYWOOD.

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[From Executive Letter Book.]

KINGSTON, September 1st, 1786.

DEAR SIR :

I am honored with your favor of the 30th Ult., containing a return of the Tobacco by you purchased for the public. This return appears to me consistent with the intention of the Council of State in their recommendation to me. It is true, that I expected where any appeared, on a survey, to be damaged, it would be necessary to pick it, so as not only to separate the good from the bad and damaged, but also to prevent that damaged from water from being further communicated to the good. This I believe will be effected by the measures you have taken.

Reports with me are, from their frequency, grown less and disagreeable & of course I do not pay that attention to them as formerly. However, I often feel for those whose rectitude I am well satisfied in, and believe me, Sir, I have ever, and do still, consider you as one of those, and shall not easily be led to believe the contrary. The reports respecting your purchases have not been carried so great a length here, as you mention. What further may be necessary to be done to or with the Tobacco will undoubtedly fall within your province; no insinuations of others would induce me to apply to any other, as I know, upon a proper investigation of facts as they really were, your Country will be as well satisfied with your Conduct as I am in this particular.

I have written to the Board of Treasury, and expected before this to have had their further advice and directions respecting the Tobacco, but have not been favored with a line from them since the Council's determination. You shall be informed whenever they think proper to say anything to me on this subject.

With sentiments of esteem and friendship,

I am Sir, Your mo. ob. Servt.,

R. CASWELL.



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HON. TIMOTHY BLOODWORTH TO GOV. CASWELL.

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[From Executive Letter Book:]

NEW YORK, September 4th, 1786.

DEAR SIR :

The Public Business makes slow advances owing principally to an unhappy division between the Eastern and Southern delegates on a treaty with Spain ; the particulars are confined to the Cabinet. I am exceedingly anxious to have your opinion on the Subject and shall endeavor to obtain leave for that purpose. The opposition is likely to become serious, both appear firm and immovable, and Seven States seem determined to carry on the business whilst the five Southern States oppose with a Uniform exertion. How the matter will terminate is quite uncertain ; two States have left Congress—Rhode Island and New Hampshire. All other Business seems to be out of view at present ; prior to this unhappy dispute the additional powers to the Confederation was reported by the Grand Committee, which now appear out of view, and some Gentlemen insist the Measure will be useless if the present plan is carried into execution, as it will introduce a necessity for a different Government ; if seven States can carry on a treaty, or in other words will persist in the Measure ; it follows of course, that the Confederated Compact is no more than a rope of Sand, and if a more efficient Government is not obtained dissolution of the Union must take place. We have also had under Consideration a Colonial Government for the Western Country which remains unfinished ; the particulars if I mistake not were mentioned in a former letter.

I am sorry to hear our paper money has depreciated. The Currency of New York is yet equal to Silver; how long it will continue in that State is uncertain. The Jersey Currency is also good within the limits of the State, but in this city they make a discount of 15 per Cent. for that Currency. Rhode Island yet remains in the utmost Confusion about their paper Money ; the Mercantile Interest will not suffer it to pass, notwithstanding the heavy penalties inflicted by the Acts.

We have had a very moderate Summer and the people in general are healthy. It gives me pain to mention to your Excellency my personal disadvantages, the Naval Stores which I brought with me remain unsold, nor do I see the least probability of disposing of them for money. A method here prevails of bartering for that Article, which does not answer my purpose.

I have been exceedingly anxious for the return of Col. Blount, at which period I am desirous to return. As the State would be unrepresented my Colleagues and myself have not been absent one hour at any time since we took our Seats in Congress. Hope your Excellency will suffer me to return this Fall, that I may have it in my power to make better preparation against the ensuing Spring.

I remain with Sentiments of real Esteem,

Your Excellency's most Obedient

And very Humble Servant,

TIMOTHY BLOODWORTH.

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HON. CHAS. THOMSON, ESQR., TO GOV. CASWELL

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
September 5th, 1786.

(Circular.)

SIR :

Pursuant to order I have the honor to transmit to your Excellency herewith enclosed a state of the Representation in Congress for the Month of August to be communicated to the Legislature.

With great respect,

I have the honor to be,

Your Excellency's most Obedient

And most Humble Servt.,

CHAS. THOMSON, Sect'y.

[From Executive Letter Book.]

[illegible]

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JNO. PIERCE, COMMISSIONER OF ARMY ACCOUNTS, TO  
GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF ARMY ACCOUNTS,  
NEW YORK, September 7th, 1786.

SIR :

I do myself the Honor to enclose to your Excellency Copies of the Receipts of the Agents of the Line of your State for the Certificates issued by me, for the arrears due the line who are, agreeable to the Acts of Congress, accountable to the executive of the State for their issues.

As it is necessary in the examination of the Agents' expenditures to recur to my Register of the Certificates issued to them, I have obtained the Sanction of the Commissioners of the Treasury, that your Auditors be permitted access for that purpose to my Register, now in the hands of the Loan Officer of your State.

I am very respectfully,

Your Excellency's most obedient Servt.,  
JNO. PIERCE.

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COPIES OF AGENTS' RECEIPTS.

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[From Executive Letter Book.]

Received at Halifax, April 3rd, 1785, of Ebenezer Jackson, Asst. Com'r of Army Accts., one certificate signed John Pierce, Esquire, dated the 1st February, No. 89,387, amounting to six hundred and forty-five 25-90 Dollars, on interest from the 1st January, 1783, it being in full the balance of pay due to the estate of Col. John Patten for his pay for the year 1782, which certificate I do hereby promise to deliver the Heirs, Administrators or Executors of the said Estate.

Sixty-four 25-90 Dollars.

ROBERT FENNER

(Copy.)

Received at Halifax, April 28th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., seven final settlement certificates signed by John Pierce, Esqr., dated 1st February last & numbered from 89,379 to 89,385 inclusive, on Interest from the several periods for which they were given amounting in the whole to four hundred and eighty dollars, it being for the balance of pay due to Segt. Alduson, James Christian, a War Soldier & Thomas Pratt, an 18 months draft for the years 1782 & 1783. Also the Gratuity of eight dollars to Alduson & Christian, all which certificates I promise to deliver the above mentioned persons, or lodge them where the Supreme Executive of the State of North Carolina shall direct.

480 Dollars.

ROBERT FENNER,  
Agent late No. Carolina Line.

(Copy.)

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Received, Halifax, April 28th, 1785, of Ebenezer Jackson, Asst. Com'r of Army Accts., four final settlement Certificates, signed by John Pierce, Esquire, dated 1st February last, and numbered from 89,375 to 89,379 inclusive, amounting in the whole to two thousand eight hundred and fifty-three 30-90 Dollars; No. 89,375, is on interest from the first of January, 1783, the others bear interest from the 15th November, 1783, it being in full for Capt. Thomas Armstrong's pay as Aid de Camp to Brig. General Sumner in the year 1782, also his commutation of five years full pay in lieu of half pay for life as Capt., pursuant to the Resolve of Congress of March the 22nd, 1783, all which certificates I do hereby promise to deliver to the said Capt. Thomas Armstrong.

2853 Dollars.

ROBERT FENNER,  
Agent late No. Carolina Line.

(Copy.)

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Received, Halifax, North Carolina, April 28, 1785, of Ebenezer Jackson, Asst. Com'r of Army Accts., one hundred and eighteen final settlement certificates, signed by John Pierce, Esquire, dated the first day of February last and numbered from 91,572 to 91,606 inclusive, & from 91,856 to 91,938 inclusive, amounting in the whole to thirty-three thousand and eight hundred and forty-four

11-90 Dollars ; from No. 91,572 to 91,900 bears interest at 6 per cent. from 1st January, 1783, & from 91,865 to 91,938 bearing interest at 6 per cent. from January, 1783, it being in full for balance of pay for the Commissioned Officers of the North Carolina Line for the years 1782 & 1783 up to the 15th November ; all which certificates I do hereby promise to deliver to the respective Individuals, or lodge them where the Supreme Executive of the State of North Carolina shall direct.

33,844.11 Dollars.

ROBERT FENNER,  
Agent late North Carolina line.

Witness : JOHN DAVES.  
(Copy.)

Received, Halifax, April 28th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., two hundred and forty-nine final settlement certificates, signed by John Pierce, Esquire, dated the 1st day of February last, and numbered from 91,607 to 91,855 inclusive, amounting in the whole to one hundred and ninety-five thousand, six hundred Dollars, bearing interest of 6 per cent. per Annum from the 15th day of November, 1783, it being in full for the commutation of five years full pay in lieu of half pay for life, pursuant to the resolution of Congress, March 22nd, 1783, for four Cols., two Lieut. Cols., Six Majors, thirty-four Captains, thirty-five Lieutenants and two Surgeons of the North Carolina Line, including those who retired from Service the first January, 1783, and those who continued in service to the end of the War, all which certificates I do hereby promise to deliver to the respective individuals or lodge them where the Supreme Executive of the State of North Carolina shall direct.

ROBERT FENNER,  
Agent late North Carolina Line.

Receipted for 195,600; too much 10,000; total delivered 185,600.

Witness : JOHN DAVES.

N. B. Robert Fenner has receipted for ten thousand dollars more than he actually received (thro' mistake).

E. JACKSON, Asst. Com.

Received, Halifax, North Carolina, April 28th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., one thousand three hundred & twelve final settlement certificates, signed by John Pierce, Esquire, Commissioner Army Accts., dated February last past, and numbered from 89,501 to 90,812 inclusive, amounting in the whole to fifty-five thousand one hundred & fifty-three 14-90 Dollars, bearing interest at 6 per cent. per Annum from 1st day of January, 1783, it being in full for the pay of the non-commissioned officers and private Soldiers of the North Carolina line for the year 1782, all which certificates I do hereby promise to deliver to every individual owner, or lodge them where the Supreme Executive of the State of North Carolina shall direct.

55,153 14-90 Dollars.

ROBERT FENNER,  
Agent late North Carolina line.

Witness: JOHN DAVES.  
(Copy.)

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Received, Halifax, North Carolina, April 28, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., six hundred and forty-nine final settlement certificates, signed by John Pierce, Esqr., dated February last past, and numbered from 90,813 to 90,461 inclusive, amounting in the whole to forty-four thousand, nine hundred and seven 14-90 Dollars, bearing Interest at 6 per cent. per annum, from the 15th day of November, 1783, it being in full for the balance of pay, due the non-commissioned officers and private soldiers of the North Carolina line for the year 1783, all which certificates I do hereby promise to deliver to the respective individuals, or lodge them where the Supreme Executive of the State of North Carolina shall direct.

44,907 14-90 Dollars.

ROBERT FENNER,  
Agent late North Carolina Line.

Witness: JOHN DAVES.  
(Copy.)

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Received, Halifax, April 28th, 1785, of Ebenezer Jackson, Asst. Com'r. Army Accts., one hundred and ten final settlement certificates signed by John Pierce, Esquire, dated the first day of Feb-

ruary last, and numbered from 91,462 to 91,571 inclusive, amounting in the whole to eight thousand eight hundred Dollars, bearing interest at 6 per cent. per annum from the 15th day of November, 1783, it being in full for the Gratuity of eighty dollars for all the non-commissioned officers of the North Carolina line which were enlisted for, and continued in service to the end of the War, all which certificates I do hereby promise to deliver to the respective individuals, or lodge them where the Supreme Executive of the State of North Carolina shall direct.

8,800 Dollars.

ROBERT FENNER,  
Agent late North Carolina Line.

Witness: JOHN DAVES.

(Copy.)

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Received, New Bern, North Carolina, May the 30th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., three certificates signed by John Pierce, Esquire, dated the 1st of February last, and numbered from 89,388 to 89,390 inclusive, on interest from the 15th of November, 1783, amounting in the whole to two thousand, three hundred and twenty-three Dollars, it being in full the balance of the commutation due to the Estate of Capt. Micajah Lewis, late of the North Carolina line, who retired from service the 1st January, 1781, all which certificates I do hereby promise to deliver to the Lawful Heirs of said Estate.

2,323 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, New Bern, North Carolina, May the 30th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., three final settlement certificates signed by John Pierce, Esquire, Commissioner, and numbered from 89,391 to 89,393 inclusive, dated the first February last, amounting in the whole to three thousand, one hundred and seventy-two 60-90 Dollars, on interest from November 15th, 1783, it being in full for balance of commutation due Colo. Gideon Lamb, of the North Carolina Line, who retired from service the first January, 1781, and has since deceased, all which certificates I do



hereby promise to deliver to the lawful heirs of the said Colo. Gideon Lamb, deceased.

3,172 60-90 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, May 30th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., one final settlement certificate signed by John Pierce, Esquire, dated 1st February last, and numbered 89,394 on Interest from the first of January, 1783, amounting to one hundred and six 60-90 Dollars, it being in full the balance of pay due Arthur Cotgroves, Lieut., for services in the year 1782, which certificate I do hereby promise to deliver to the Lawful Heirs of the said Arthur Cotgroves, deceased.

106 60-90 Dollars.

THOS. EVANS, Administrator.

(Copy.)

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Received, NewBern, North Carolina, May 30th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., three certificates signed by John Pierce, Esquire, dated 1st February last, and numbered from 89,395 to 89,397 inclusive, on interest from 15th November, 1783, amounting in the whole to four thousand, one hundred and seventy-one 45-90 Dollars, being in full the balance of commutation due Lt. Colo. Comdt. James Thaxton, late of the North Carolina line, who retired on half pay the first of January, 1783, all which certificates I do hereby promise to deliver immediately to the said Col. Thaxton.

4,171 45-90 Dollars.

RICH. LYTTLE  
For James Thaxton.

(Copy.)

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Received, NewBern, North Carolina, May 31st, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., one final settlement certificate signed by John Pierce, Esquire, dated 1st February last, and numbered 89,398, bearing interest from January 1st, 1783, amounting to forty-six 60-90 Dollars, being the balance due to Dempsey Underdoo for the year 1782, being a mistake made in the pay roll of that

year, which certificate I do hereby promise to deliver to the said Dempsey Underdoo.

46 60-90 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, May 31st, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., three certificates signed by John Pierce, Esquire, Commissioner, dated 1st February last, and numbered from 89,399 to 89,401 inclusive, on interest from the several Periods for which they were given, amounting in the whole to two hundred and three Dollars, it being in full the balance of pay due Kedar Copelin, a war soldier of the North Carolina Line, for the years 1782 & 1783; also his gratuity of eighty dollars, he being left out in making out the pay rolls for the line, all which certificates I do hereby promise to deliver to the said Kedar Copelin.

203 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, May 31st, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., two final settlement certificates signed by John Pierce, Esquire, Commissioner, and dated 1st February last, numbered 89,402 & 89,403 amounting in the whole to one hundred and sixty dollars, on interest from the two periods for which they are given, it being the balance of pay due John Howell, a war soldier of the North Carolina Line, who was continued a prisoner of War in Great Britain to the 1st May, 1783, for the year 1782; and the gratuity of eighty dollars, which certificates I do hereby promise to deliver to the said John Howell.

160 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, June 4th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., three final settlement certificates signed by John Pierce, Esquire, Commissioner, dated 1st February last, and numbered from 89,414 to 89,416 inclusive, on interest from 15th November, 1783, amounting in the whole to

three thousand dollars, being in full for commutation to Lt. Col. William Davidson, late of North Carolina line, who retired from service under the Resolution of Congress of the 21st October, 1780, except six hundred dollars, being a part of his commutation retained in the hands of the public as there are public monies charged to him for the Recruiting Service, for which he has not accounted for to the public, all which certificates I do hereby promise to deliver to the persons legally appointed to administer upon the Estate of the deceased so that the Lawful Heirs may come at their just right.

3,000 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, June the 4th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., nine final settlement certificates, signed by John Pierce, Esquire, Commissioner, and dated 1st February last, and numbered from 89,404 to 89,411 inclusive; also No. 89,412, amounting in the whole to nine thousand five hundred and forty-five 86-90 Dollars; No. 89,404 on interest from 1st January, 1783, the other numbers are on interest from the 15th November, 1783, it being the balance due in full of the pay due Brig. Genl. Jethro Sumner for the year 1782 & 1783, also his commutation of five years full pay in lieu of half pay for life, pursuant to a Resolve of Congress of March 22, 1783; all which certificates I do hereby promise to deliver to the persons legally appointed to administer upon the Estate of the deceased so that the Lawful Heirs of Genl. Sumner's Estate may arrive at their just right.

9,545 86-90 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, June 5, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., one final settlement certificate, signed by John Pierce, Commissioner, dated 1st February last, and No. 89,412, on interest from 1st January 1783, amounting to one hundred and six 60-90 Dollars, being in full the balance of pay due

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Lieut. Rich. Andrews, of the North Carolina line, which certificate I do hereby promise to deliver the said Rich. Andrews.

106 60-90 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, June 5th, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., two final settlement certificates signed by John Pierce, Commissioner of Army Accts., dated the 1st February last, and numbered 89,420 & 89,421, on interest from the 1st January, 1783, amounting to thirty-eight dollars, it being for a mistake made against the said Richard Fenner in his settled accounts, also one month's extra pay, as Pay Master, for myself.

38 Dollars.

ROBERT FENNER, Agent.

(Copy.)

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Received, NewBern, North Carolina, June 6, 1785, of Ebenezer Jackson, Asst. Com'r Army Accts., three certificates signed by John Pierce, Esqr., Commissioner, and dated 1st February last, numbered from 89,417 to 89,419 inclusive, on interest from 1st January, 1783, amounting in the whole to eight hundred and one 50-90 Dollars, it being in part of the pay of Major Jno. Nelson, Capt. Elijah Moore & Capt. Benj. Carter, for the year 1782. The other part being retained as they have public monies charged to them & have never accounted to the public for the same, all which certificates I do hereby promise to deliver to the respective individuals.

801 50-90 Dollars.

ROBERT FENNER, Agent.

(Copy.)

GOV. CASWELL TO JOSEPH LEECH.

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[From Executive Letter Book.]

KINGSTON, 12th September, 1786.

DEAR SIR :

Enclosed is a Petition I received yesterday ; altho' it has been since the 23rd of last month on its passage, by which means it may be too late for a Commission to be of any use, as the Judges I presume before this time are on their Circuit, yet I consider it my duty to take the opinion of the Council on the subject matter of the Petition. But as that is the only thing I have to lay before the Board I do not wish to give the members the trouble of coming here ; therefore, I request that you will be pleased to convene the Council, lay the Petition before them, obtain the advice of the Board and forward the same to me by the return of the Bearer on Thursday next.

I have the honor to be,

With great respect Sir,

Your most obedient Servant,

R. CASWELL.

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HONORABLE JNO. DICKENSON TO GOV. CASWELL.

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[From Executive Letter Book.]

ANNAPOLIS, 14th September, 1786.

SIR :

Agreeable to the request of the Commissioners assembled at this place, I do myself the honor to transmit to your Excellency, a copy of this Report to the Legislature of those States by whom they were appointed.

I remain, with great respect,

Your Excellency's Most Obedt. Servt.,

JOHN DICKENSON, Chairman.

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REPORT OF THE COMMITTEE OF FIVE STATES RESPECTING  
TRADE & COMMERCE.

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[From Executive Letter Book.]

ANNAPOLIS, 14th September, 1786.

To the Honorable the Legislatures of Virginia, Delaware, Pennsylvania, New York & New Jersey :

The Commissioners from the said States respectively assembled at Annapolis, humbly beg leave to report :

That pursuant to their several appointments, they met at Annapolis, in the State of Maryland, on the eleventh day of September Instant, and having proceeded to a communication of their powers, they found that the States of New York, Pennsylvania, and Virginia had in Substance, and nearly in the same terms, authorized their respective Commissioners to meet such Commissioners as were, or might be, appointed by *the Other States in the Union*, at such time and place as shall be agreed upon by the said Commissioners, to take into consideration, the Trade and Commerce of the United States, to consider how far an uniform system of Commercial intercourse and regulations might be necessary to their Common Interest and permanent Harmony, and *to report to the several States* such an Act relative to this great Subject, as *when unanimously ratified by them*, would enable the United States in Congress Assembled effectually to provide for the same.

That the State of Delaware, has given similar powers to their Commissioners, with this difference Only, that the Act to be framed in Virtue of these powers is required to be reported to the United States in Congress Assembled, to be agreed to by them, and Confirmed by the Legislatures of every State.

That the State of New Jersey has enlarged the Object of their appointment empowering their Commissioners "to Consider how far an uniform System in their commercial Regulations *and other Important matters* might be necessary to the Common Interest and permanent Harmony of the several States, and to report such an Act on the Subject, as when ratified by them, would enable the United States in Congress Assembled effectually to provide *for the exigencies of the Union.*"

The appointments of Commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island and North Carolina, none of whom however have attended, but that no Information has been received by your Commissioners of any appointment having been made by the States of Connecticut, Maryland, South Carolina or Georgia.

That the express terms of the Powers to your Commissioners, supposing a deputation from all the States, and having for Object the *Trade and Commerce of the United States*, your Commissioners did not conceive it advisable to proceed on the Business of their Mission under the circumstances of so partial and defective a representation.

Deeply impressed, however, with the Magnitude and importance of the object confided to them on this Occasion, your Commissioners cannot forbear to indulge an expression of their earnest and unanimous wish, that speedy measures may be taken to effect a General Meeting of the States in full Convention, for the same, and such other purposes as the Situation of public affairs may be found to require.

If in expressing this wish, or in intimating any other Sentiment, your Commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence that a conduct dictated by an Anxiety for the Welfare of the United States will not fail to receive an indulgent construction.

In this persuasion your Commissioner submit an opinion that the idea of extending the powers of their deputies to other objects than those of Commerce, which has been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future Convention; they are the more Naturally led to this Conclusion, as in the Cause of their reflections on the subject they have been induced to think that the power of regulating Trade is of such comprehensive extent, and will enter so far into the General System of the Federal Government, that to give it efficacy and to obviate questions and doubts concerning its precise nature and limits may require a correspondent adjustment of other parts of the Federal System.

That there are important defects in the System of the Federal Government, is acknowledged by the Acts of all those States which have concurred in the present meeting; that the defects upon a close examination may be found greater and more numerous than

even those Acts imply, is at least so far probable from the embarrassments which characterize the present State of our National Affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate & candid discussion in some Mode which will Unite the Sentiments and Councils of all the States. In the Choice of the mode, your Commissioners are of opinion that a Convention of Deputies from the different States for the Special and Sole purpose of entering into this Investigation, and digesting a plan for Supplying such defects as may be discovered to exist, will be entitled to a preference, from Considerations which will Occur without being particularized.

Your Commissioners decline an enumeration of those National Circumstances, on which their Opinion respecting the propriety of a future Convention with more enlarged powers, is founded; as it would be a useless intrusion of facts and observations; most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this Instance be addressed. They are however of a Nature so serious, as in the view of your Commissioners to render the Situation of the United States delicate and Critical, calling for an exertion of the United Virtue and wisdom of all the Members of the Confederacy.

Under this Impression your Commissioners, with the most respectful difference, beg leave to suggest their Unanimous Conviction that it may essentially tend to advance the Interest of the Union, if the States by whom they have been respectively delegated, would themselves concur and use their endeavors to procure the concurrence of the other States in the appointing of Commissioners to meet at Philadelphia on the second Monday in May next, to take into Consideration the Situation of the United States; to devise such further provisions as shall appear to them Necessary to render the Constitution of the Federal Government adequate to the Exigencies of the Union, and to report such an Act for that purpose to the United States in Congress Assembled, as, when agreed to by them, and afterwards Confirmed by the Legislatures of every State, will effectually provide for the Same. Though your Commissioners could not, with propriety, address those Observations and Sentiments to any but the States they have the Honor to represent, they



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have Nevertheless concluded from Motives of respect to Transmit Copies of this report to the United States in Congress Assembled, and to the Executives of the other States.

By Order of the Commissioners.

JOHN DICKENSON, Chairman.

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GOV. R. CASWELL TO JNO. WALKER, ESQR.

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[From Executive Letter Book.]

KINGSTON, September 17th, 1786.

DEAR SIR :

Your letter enclosing a Petition of the Inhabitants of Wilmington, requesting a Court of Oyer to be held there, did not reach me until the 10th Inst., when I summoned the Council in order to obtain the advice of the Board; and in consequence of such advice I have issued and herewith forward the Commission. Tho' I am apprehensive it will not be executed, as I presume all the Judges are now on the Council. However, I have given all the dispatch to this business which has been in my power, and shall always be happy in attending to any matters which you shall recommend.

I am with great esteem, Dear Sir,

Your most obedient Servant,

R. CASWELL.

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GOV. CASWELL TO MR. PETRY.

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[From Executive Letter Book.]

KINGSTON, September 18th 1786.

SIR :

I had the honor to receive your letter of the 17th of July last, informing me of the Chevelier de Chateaufort having obtained leave of absence from his Consulship, and of your appointment in his absence, which permit me to congratulate you upon.

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I have granted Messrs. J. G. & Thos. Blount warrants on the Treasury to the full amount of the balance due from this State to the Government of Martinico, and make no doubt before this, the amount is remitted in produce to Philadelphia. I am extremely obliged for your tender of services to me. At present I have not anything to give you the trouble of; when I have I will take the liberty you have granted me.

With great regard and esteem

I have the honor to be, Sir,

Your mo. ob. & very humbl. Servt.

R. CASWELL.

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GOV. CASWELL TO GOV. MOULTRIE.

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[From Executive Letter Book.]

KINGSTON, September 18th, 1786.

SIR :

I had the honor to receive your letter of the — of July last, enclosing a Clause of the Ordinance of the General Assembly of the State of South Carolina, appointing Commissioners and vesting them with powers to settle differences, and for a Boundary with North Carolina, which I shall lay before the Legislature of this State on their first meeting, which is appointed to be on the first Monday in November next. And their determination thereon, I shall do myself the honor of communicating to you, as speedily as practicable.

I have the honor to be,

With great Respect, Sir,

Your Excellency's most obedient

And very humble Servant,

R. CASWELL.

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RESOLUTION OF CONGRESS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS, ASSEMBLED,  
September 18th, 1786.

The Committee, consisting of Mr. Pinkney, Mr. St. Clair & Mr. Harrison, to whom was referred a letter of the 12th from the Board of Treasury, together with a letter from the Commissioner of the Loan Office in the State of Rhode Island, and an Act of the Legislature of that State reported :

“That it appears from these communications the Legislature of the State of Rhode Island, by an Act passed in their last Session, have made the Paper Currency of that State receivable on all arrears of Taxes due the United States; that as this Explanation of the Law of the State, relative to the late requisitions of Congress, entirely defeats the Intentions of those Acts, the Commissioners of the Loan Office has Suspended the issue of Indents in that State, on the Requisition of the 27th of September, 1785, until he should receive the directions of the Board of Treasury on that Subject. The Board further remark, that the Legislature of the State of New Jersey have also made their paper Currency receivable on the arrears of Taxes due on the Requisition of the 27th & 28th April, 1784. On this Statement the Committee Observe, that as the Requisitions of Congress are calculated for the purpose of requiring from the States a sufficient Sum for the payment of the Interest due on the Foreign and Domestic debt, and the maintenance of the Civil Department, no deviation can be admitted from the mode of payment therein Established, without exposing the funds of the United States to great loss and inconvenience, particularly as the discharge of the Interest due on the Foreign Debt, and the Maintenance of the Civil Government, must altogether depend upon the payments that are made into the Federal Treasury in Specie; that to admit the receipt of bills of Credit issued under the authority of an individual State, in discharge of their Specie proportion of a requisition, would defeat its object, as the said bills do not circulate out of the limits of the State in which they are emitted, and because the paper medium of any State, however well founded, cannot either in the Extensive-

ness of its Circulation, or in the Cause of its exchange, be equally Valuable with Gold or Silver, that if the Bills of Credit of the States of Rhode Island and New Jersey were to be received from those States in discharge of Federal Taxes, upon the principles of equal justice bills emitted by any other State must be received from them also in payment of their proportions, and thereby instead of the requisitions yielding a sum in Actual Money nothing but paper would be brought into the Federal Treasury, which would be wholly inapplicable to the payment of any part of the Interest or principal of the Foreign Debt, or the Maintenance of Government of the United States. That as the Consequences of the precedents which have been Established by the States above mentioned are dangerous to the Interest of the Union, the Committee conceive it Necessary for Congress to express their sense upon the Subject." Whereupon,

Resolved, That as the annual requisitions of the United States in Congress Assembled were made by them in Virtue of the powers of the Confederation, and for the Necessary purposes of Government, the Same are Obligatory on the States, as such, and ought to be discharged by them in the Manner by the said Requisitions directed, and in no other.

Resolved, That as the payment of the Interest and such parts of the principal of the foreign debt of the United States, as are included in any of the requisitions of Congress, and the Maintenance of the Federal Government cannot be provided for but by payments in Specie into the Federal Treasury of the Sum respectively required of the States therein, no payments, either in bills of Credit, or in any other mode than those pointed out by the said requisitions, can or ought to be admitted in discharge of the same.

Ordered that the Board of Treasury transmit a Copy of the above Resolutions to each State and issue Instructions to the respective Loan Offices conformable thereto.

CHAS. THOMSON, Sec'ty.

GOV. CASWELL TO JOHN WHITAKER, ESQR.

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[From Executive Letter Book.]

KINGSTON, Sept., 20th, 1786.

DEAR SIR :

Your letter of yesterday's date I have received, and make no doubt but the same will prove satisfactory to the Council. What gave rise to the Councils' suggesting the Tobacco to be damaged I believe was some that had been purchased at Tarboro, being sunk on its way to Washington. And they did not know but it might be the case—that is, the Tobacco, might be damaged in getting down the River from the other places of purchase, which induced them not to discriminate the places. I thank you for the information respecting the probability of disposing of Tobacco to the French Agent. He has made his proposals to the Board of Treasury which were transmitted here and rejected by the Council, I mean Mr. Robert Morris, of Philadelphia, who has engaged to supply the Farmers General of France with 20,000 Hhds. a year for three years. And I presume the person you mean is one of his assistants. I will be much obliged to you to enquire, and if he is not an assistant to Mr. Morris, learn his Terms and inform me.

I have written to the Board of Treasury since I wrote you last, but no answer has been returned. When I hear from them I will inform you.

I am with much esteem and respect,

Dr. Sir, your mo. ob. Servt.,

R. CASWELL.

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GOV. CASWELL TO HON. WILLIAM SKINNER.

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[From Executive Letter Book.]

KINGSTON, 24th September, 1786.

DEAR SIR :

Your favor of the 20th July came safe to hand tho' late. Your resignation of the office of Judge of the Maritime Court, for the District of Edenton I accept, tho' I do not view that office in such light as to consider it inconsistent with that you hold under Congress. However, it is best to prevent disputes, especially as there are not any profits arising from the former, that it be relinquished.

I am much obliged for the information you give me respecting the Coroner of Perquimans. I wish to recommend the County Court to appoint another Coroner, who will comply with the Law in giving the necessary security so there can be no danger of any ill consequences from such Coroner's misconduct. On affidavits being forwarded to me that the present Coroner refuses to give proper security I shall think myself authorized to suspend him. Your letter would be, to me, sufficient, but the public have a right to expect the proper proof; otherwise, this would not now be delayed. Please to proceed so far as to obtain the affidavits and forward to me when due attention shall be paid them.

I am Dear Sir, your most obedient

And very humble Servant,

R. CASWELL.

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GOV. CASWELL TO HON. CHAS. THOMSON, SECRETARY OF CONGRESS.

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[From Executive Letter Book.]

KINGSTON, Sept. 14th, 1786.

SIR :

I have the honor to acknowledge the receipt of your several letters with their respective enclosures, viz :

12th August. Containing a requisition of Congress for 1786 ; an

Ordinance for the regulation of Indian Affairs ; An Act for fixing the standard of Gold and Silver coin, and a Resolve directing the Secretary for Foreign Affairs to make and transmit a list of Negroes carried away by the British contrary to the Treaty. -

14th August. A Resolve requesting a reconsideration of the Resolve of the 6th September, 1780, recommending a Cession of Western Territory, and the Act of 6th September aforesaid.

23rd August. Two Copies of the Continuation of the Journals of Congress from 1st June to the 8th August.

All of which shall be duly attended to. Those proper for the consideration of the Legislature shall be laid before them at their next Session, which is appointed to be the first Monday in November.

I have the honor to be,  
With great respect, Sir,  
Your most obedient &  
Very humble Servant,  
R. CASWELL.

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GOV. CASWELL TO HON. TIMOTHY BLOODWORTH.

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[From Executive Letter Book.]

KINGSTON, 24th Sept., 1786.

DEAR SIR :

I have had the honor of receiving sundry letters from you, since having the pleasure to write you last, viz: Of the 16th August, advising the Ordinance for regulating the Indian Department had passed and that Congress had postponed the appointment of the Superintendent of the Southern District. Since which the Secretary of Congress has transmitted me a Copy of the Ordinance, and am very much obliged to you for signifying your wish that I should recommend or advise in the choice of Superintendent. But really Sir, I do not know any person that I think would accept it, whom I would venture to recommend.

Of the 24th of August, enclosing orders for Mr. Hindman from the Board of Treasury. For your attention to this business be

pleased to accept my sincere thanks, as I am satisfied it will be in my power to render essential services to my Country in the settlement of those Accounts, at a place where I can with convenience attend occasionally.

Of the 28th of August enclosing a Letter from the Vice Consul of France to the Delegates. There have been frequent complaints both to my predecessor in office and myself from the Consul General, the Charge des Affaires, the Consul for the three Southern States and from Mr. Petry, of the Tardiness of our payment of the Debt due the Government of Martinico from this State, but none so pointedly stated as this. Gov. Martin has granted a warrant in favor of Messrs. J. G. & Thos. Blount for about £1200 to be laid out in produce and remitted to Philadelphia. And since my entering last on Administration, I have furnished them with warrants to the amount of the remainder of this Debt and had expected that before this, the whole of the remittances were made.

Mr. Jno. G. Blount is one of the Commercial Commissioners, now attending in his place at Annapolis, and Mr. Thos. Blount is in Europe, so that I cannot immediately learn the true state of these remittances. As soon as I am able to obtain the same I will write the Vice Consul on that subject.

I am really much concerned in hearing that your divisions respecting Northern and Southern Interest still prevail in that August Body. Will these disputes and divisions be communicated to Inferior Bodies & Classes of them, who have not nor can not have the same advantages in knowledge? I fear, nay, I know, they must be, so long as they continue a Clog and dead weight on the public business, which it is the wish of every good man, and the duty of every man, to dispatch with prudence.

Col. Blount wrote me a few days ago he intends setting out for New York about the first of October. Mr. Nash and Mr. Burton I expect will also set out, so as to be in time to relieve you and Dr. White. On your return you will, I hope, be able to state matters in such a point of view to the Assembly as shall induce them to make the necessary provision for the Delegation, so that in the next Tour it will prove satisfactory & agreeable to you.

I have the honor to be, with great esteem and regard,

Your mo. ob. & very humbl. Servt.,

R. CASWELL.



SAMUEL OSGOOD, WALTER LIVINGSTON & ARTHUR LEE TO  
GOV. CASWELL, RESPECTING ACT OF CONGRESS.

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[From Executive Letter Book.]

BOARD OF TREASURY, Sept. 25th, 1786.

SIR :

In Obedience to the Orders of the United States in Congress, we do ourselves the Honor of transmitting to your Excellency for the Information of the Legislature of the State in which you preside, a Certified Copy of the Act of Congress of the 18th Inst.

The reasons which have induced that Honorable Body to enter into the enclosed resolves are so evidently dictated by a regard to the great Interest of the Confederacy, that we cannot doubt but that the wisdom of the several Legislatures will discern the propriety of acting in the strict Conformity with them in all their proceedings which relate to the Collection of the revenue appropriated for the Service of the United States.

We have the Honor to be,

With great respect,

Your Excellency's obt. Servts.

SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

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MR. PETRY, VICE COUNSEL OF FRANCE, TO GOV. CASWELL.

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[From Executive Letter Book.]

CHARLESTON, 25th Sept., 1786.

SIR :

I did myself the honor to write to your Excellency on the 17th and 27th of July last ; the first respecting the payment of the advance made by the Government of Martinico to the State, and the Second begging you to Order and enforce the execution of my Sentence against Xavier Martin, heretofore the Attorney of J. J. Cou-

loughnac, deceased, and detaining and disposing of the property trusted in his hands for his private Interest.

This last letter, very Interesting to the Family of the deceased, has arrived at NewBern, and was forwarded by me to the care of the Post Master for his safe and Speedy Conveyance to your Excellency. If it has not yet come into your hands, I hope you will be so kind as to order a strict enquiry about it. Xavier Martin, as I understand, has applied to the Maritime and Mercantile Court to have his Salaries fixed, and they have made it 285 pounds upon *his bare word*. This irregular proceedings I cannot account for, from a Court whose Jurisdiction he has declined six or seven months ago in claiming mine, which belongs to, and which he knew that I had tried this defraud with Frederick Rheinsward, which this Claim of Salaries is a Dependence from. I claim from your Excellency the full exercise of any functions in this affair, and the Authoritive Power of the State to put into Execution my Sentence against the said Martin, in the same mode and Manner that a sentence of any Court in the Country should be; and I beg you will notify the Honorable the Supreme Court before which, I am informed, this Claim of Salaries is to be brought, that the Cognizance of it belongs to me as Vice Consul of France. Recognized and admitted by the State, this claim of mine might be supported, if necessary, by an Act entitled, "*An Act for protecting and encouraging the Commerce of Nations Acknowledging the Independence of the United States of America.*" In my sentence of the 8th of February it is expressed, we preserve to the said Martin the right to prosecute J. J. Couloughnac for his Salaries at the rate of fifty guineas a year, which he says has been promised to him; or to justify to us more fully that such Sum has been granted to him before me as his judge. He asks but for fifty Guineas and the Court of Admiralty grants him three times the sum.

I am, Sir, desirous to deserve the approbation of your Excellency as to not trust you with the reasons that I have to ask proof of any Salaries being promised to Martin by J. J. Couloughnac. This Gentleman, before he set off for the Journey during which he died, left some instructions about his affairs, wrote by him, with his Attorney at New York, of which there is an extract concerning Martin.

"As soon as the Sr. Martin shall give in his accounts he shall be returned to New York and must dismiss him, not having been satisfied

with his doings. He stands indebted to me for recovery of Money, of 589 pounds New York Currency, and moreover for his private Account of 44 pounds. I must observe that Mr. Martin has not been employed by me but was to have his board and Lodgings, having got him here out of the greatest distress, and having paid for him his debts in the Tavern, where he was detained as he could not pay. I then took him with me by mere commiseration. I have cloathed him with my own clothes from his head to his feet. In consequence he is my Debtor for his Account Current and if it was Necessary to make a sacrifice of it, because it could not be reimbursed, I would like better to take this resolution. He has not taken care of my Interest which I have trusted him with in his travel, which he has prolonged 16 months to live," &c.

Signed, COULOUGNAC F. WITH PARAPHE.

New York, 29th Sept., 1785.

This Sir, which I would not mention in my Letter of the 27th of July last, will shew you the Character of Martin who delivers and disposes of the property of his Benefactor ; who dares to say before his Judges that Salaries have been promised to him and flees Successively from the Justice which he has claimed, to the Justice which he has declined. Martin has been paid since the day he set off from New York till the day that he left off the Business of J. J. Coulougnac, at NewBern for all the expences he brought in for his Account to him and me. When Martin shall have fulfilled the Contents of my Sentence & delivered the very produce he bought on his Account current, then he may apply to me or to Mr. De la Forest, at New York, to have any Salaries if he has sufficient proofs that some have been promised to him, and either of us shall imitate the commiseration of J. J. Coulougnac in rendering him Justice ; and if he is not satisfied with it he may apply to a Parliament in France.

Mr. De la Forest wrote to me Sir, on the 2nd June last, that he had received but 121 26-96 Dollars and he was to receive about 300 more in two weeks afterwards & two in December, on Account of the repayment of the Advance made by the Government of Martinico to the State.

I am with great Regard Sir,

Your Excellency's mo. humbl. & ob. Servt.,

PETRY.

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GOV. CASWELL TO BENJ. HAWKINS.

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[From Executive Letter Book.]

KINGSTON, 29th Sept., 1786.

DEAR SIR :

I had the honor to receive your favor of the 20th Current, this day, and beg leave to inform you that I wrote, agreeably to your request, to Messrs. Gervais & Owens, and sent by post the same day, the letter of which the enclosed is a copy, but have not been favored with a line in answer. It was not in my power to do more than I mentioned in that letter, the money was then so far depreciated that I could not purchase a Dollar for a price that I could have the least expectation of the Assembly countenancing me in. I cannot say it gives me great pain to hear *my old friend*, the General, was disappointed in the late Election for Granville, or that he is much mortified at being left out, as I flatter myself his Country will derive advantage from his absence from the Legislature, which his jealousy prevented when present, and kept her from ; however, he yet may succeed in his favorite scheme of appointing a new Governor for the next year, as his pernicious opinions and false suggestions are gone forth and he very likely will still have effrontery sufficient to endeavor to support them when the Governor, conscious of the rectitude of his own conduct, and his friends careless about the matter, may take no pains to contravene his attempt.

It gives me uneasiness to hear your crops are likely to be some what reduced by the great floods of water, particularly in the article of Tobacco, the exportation of which from our own ports must one day give us credit abroad ; the seasons in this neighborhood, where little else but corn is made, have been much more favorable.

Please to my present my best respects to my good old friends, your Parents, and to your Brothers and their Families, and believe me to be with the utmost sincerity and esteem, Dr. Sir,

Your mo. ob. & very humbl. Servt.,

R. CASWELL.

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HON. TIMOTHY BLOODWORTH TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, September 29th, 1786.

DEAR SIR :

The enclosed was handed to me by the Secretary of Congress with a request to forward it on to your Excellency. The Public Business makes slow Advance and proceeds in a very disagreeable direction. The instruction for a Negotiation with Spain has employed our time, principally, ever since the 10th of August last; the particulars are confined to secrecy, which gives me great uneasiness. We have (that is the minority) endeavored to have the injunction of secrecy taken off so far as to communicate the particulars to the Executives of our States, but could not obtain leave, and I was obliged to suppress a Letter which I had wrote on the subject in confidence of obtaining leave to communicate the particulars to your Excellency. This being the Situation of Affairs and not willing to forfeit my honor in violating the rules of the House, have long omitted writing anything; the utmost warmth has appeared on this occasion from each party, the division are seven States for the Measure and five against, and the Majority appears determined to carry on the Treaty at all events and the Minority as firmly fixed to oppose it in all its stages, except instructed to the Contrary by their different States. For my own part I think the precedent dangerous to the Liberties of the Southern States if seven States can barter any part of the privileges of the different States for any advantages whatsoever, there remains no Security for any possession. It is well known that the Balance of power is now in the Eastern States, and they appear determined to keep it in that direction; this to me is evident from all their Conduct, and in the present measure, if carried, they will be favored in their Scheme, and I shall think it my duty to attend the Assembly and lay the matter before them with the circumstances that attend the measure. All other Business appears out of view and I do not expect anything of account will be done by the present Congress; we have endeavored frequently to have some measures taken on the Indian Treaties and have had the subject referred to a Committee but they will not report, as yet, and I

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fear no relief is intended; however, I shall urge it if possible. I am sorry to find Mr. Blount does not intend to bring his Family, we shall certainly be in want of an able representation the ensuing year, and those that will give their Steady Attendance.

I remain with the highest esteem and Regard,  
Your Excellency's Most obedient  
And very humble Servant,  
TIMOTHY BLOODWORTH.

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HON. CHAS. THOMSON, SECRETARY OF CONGRESS TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
October 2nd, 1786.

SIR :

Pursuant to order I have the honor of transmitting to your Excellency herewith enclosed a state of the Representation in Congress for the month of September, to be Communicated to the Legislature.

With the greatest respect,

I have the Honor to be,

Your Excellency's Most obedient

And most humble servant,

CHAS THOMSON.

A STATE OF THE REPRESENTATION IN CONGRESS FOR THE MONTH  
OF SEPTEMBER, 1786, PURSUANT TO ACT OF 17TH AUGUST, 1785.

[From Executive Letter Book.]

| Members in Town.....                                             |    |    |    |    |    |    |    |    |    |   |   |   |    |    |    |    |    |    |    |    |
|------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|---|---|---|----|----|----|----|----|----|----|----|
| New Hampshire—Mr. Livermore, Mr. Long.....                       | r  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1 | 1 | 1 | 1  | 1  | 1  | 1  | 1  | 1  | 1  | 1  |
| Massachusetts—Mr. Gorham, Mr. King, Mr. Dane.....                | r  | r  | 1  | 1  | 1  | 1  | 1  | 1  | r  | 1 | 1 | 1 | 1  | 1  | 1  | r  | r  | r  | r  | r  |
| Rhode Island—Mr. Manning, Mr. Miller.....                        | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| Connecticut—Mr. Johnston, Mr. Sturges.....                       | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| New York—Mr. Lawrence, Mr. Harring, Mr. Smith..                  | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| New Jersey—Mr. Cadwallader, Mr. Symmes, Mr. Hornblower.....      | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| Pennsylvania—Mr. Pettit, Mr. Bayard, Mr. St. Clair..             | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| Delaware .....                                                   |    |    |    |    |    |    |    |    |    |   |   |   |    |    |    |    |    |    |    |    |
| Maryland—Mr. Henry, Mr. Hindman, Mr. Harrison, Mr. Ramsey.....   | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | 1  | r  |
| Virginia—Mr. Grayson, Mr. Monroe, Mr. Lee, Mr. Carrington.....   | r  | r  | r  | r  | r  | r  | r  | r  | r  | 1 | 1 | 1 | r  | r  | r  | r  | r  | r  | r  | r  |
| North Carolina—Mr. Bloodworth, Mr. White .....                   | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| South Carolina—Mr. Bull, Mr. Pinkney, Mr. Hugar, Mr. Parker..... | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| Georgia—Mr. Houston, Mr. Fen.....                                | r  | r  | r  | r  | r  | r  | r  | r  | r  | r | r | r | r  | r  | r  | r  | r  | r  | r  | r  |
| States represented.....                                          | 12 | 11 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 9 | 9 | 9 | 10 | 10 | 10 | 11 | 11 | 11 | 11 | 11 |

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HON. CHAS. THOMSON, ESQR., TO GOV. CASWELL

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
October 4th, 1786.

(Circular.)

SIR :

I have the Honor of transmitting to your Excellency herewith enclosed two Copies of the Continuation of the Journal of Congress from the 8th of August to the 20th of September last, one for the Executive, the other for the Legislative Branch of Government.

With the greatest respect,

I have the honor to be,

Your Excellency's most Obedient

And most Humble Servt.,

CHAS. THOMSON, Sect'y.

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COMMISSIONERS FOR RAISING ORDNANCE TO GOV. CASWELL.

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[From Executive Letter Book.]

EDENTON, 5th October, 1786.

SIR :

In consequence of an Act of the General Assembly passed last Session, entitled "an Act for recovering part of the Artillery belonging to this State" appointing us to contract with any person or persons for the Recovery of the same ; we have accordingly let the same out at Public Auction. John Harris Kock contracted for the sum of ten pounds and fifteen shillings, he being the lowest bidder. He has accordingly got up the whole of them, being twenty-one pieces, and landed them agreeable to Contract, for which Service we think him entitled to his pay as the Act directs. Please to forward



your Warrant on the Collector for the Amount of the Same. Enclosed we have sent his Account.

We are Sir,

Your Most Obedt. Servts.,

JOSIAH COLLINS,  
WILLIAM BENNETT,  
JOS. BLOUNT.

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RESOLUTIONS OF CONGRESS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

October 6th, 1786.

Resolved, That Congress now proceed to the Election of a Superintendent for the Southern District agreeable to the Ordinance for the regulation of Indian Affairs; and that he be directed immediately to proceed to the States of North Carolina, South Carolina & Georgia for the purposes mentioned in the said Ordinance.

Congress proceeded to an Election and the ballots being taken Mr. James White, of North Carolina, was appointed.

CHAS. THOMSON.

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COL. ALEX. OUTLAW TO GOV. CASWELL.

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[From Executive Letter Book.]

BENT OF CHUROKEY, October 8th, 1786.

HONORED SIR :

I have enclosed you a copy of a late Treaty with the Cherokee Indians and a just account of their Conduct & present Situation. They came into our Settlement on the North of Holston, the 10th of July, and warned the settlement that the Creeks were to attack

them the week following, and agreed with our People that they might know them from the Creeks, to ware a white Flag on their Head & on their Gun, and that whenever they saw any White people they would hollow Choto to them. And on the 20th of July, which was the time they said the Creeks were to Attack the settlement, two young men were going down from the Station to a Corn-field, some Indians hailed them and called Choto, and the young men went to them & they seemed friendly, offered to swap Guns with one of the White Men and got hold of the White Man's Gun and then shot him down with his own Gun; the other Man rode off and the two Indians fired at him and shot two Bullets through him but he rode to the Station and lived three days, and was well acquainted with the Indians that shot him. Col. Cook and myself got an account of the Murder the 23rd and the 31st we were in the Town where the Indians lived that did the Mischief, with 250 Men. We sent for the Heads of the Towns to meet us about six miles from the Town, at Chota Ford. As you will see in the Talk, they refused to give up the Murderers and said they were gone to the Shawneys, but we had certain Accounts that they were then in their Town, on which news we Marched to the Town and Luckily killed two of the Indians that did the murder and sent for all the Warriors from all the near Towns, which met accordingly and agreed to the Terms I have enclosed, and I was last week in the Town and had a talk with them and they seem very friendly and well satisfied we should settle the Country and say they will sell us the Country on the South of the Tennessee and let us settle round them if we will keep the Creeks from killing them, or they will leave the Country entirely if we will give them Goods for it, and I am convinced from the late Conduct and Accounts I have had from them the whole Country to the Georgia Line on this side of Cumberland Mountain may be had from them for a very trifling Sum of Goods paid down by any persons that will act prudently with them, and not have the Indians' Interest too much at heart. This Country seemed much alarmed at the conduct of the Congress Commissioners when they gave the Country to the Indians, and was led to believe by Reports from the Northern States that all our land rights from North Carolina would be broke and that Congress meant to purchase the Country from the Indians, but I never had the opinion myself that Congress had any right from the Confederation to

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concur with the right of the Soil in our bounds, and shall think so till further convinced, that the different requisitions and conduct of the Congress Commissioners has been only to lead us to give up that which is our just Right; but if they have such power they, by their Treaty, gave all the Country to Brown's line to the Cherokee Indians, which Indians have now given it all to us except what is on the South side of Tennessee, if we choose to accept it, and that may be easily had from them and sold out & settled in a very short time if things were set on a very fair footing, which would be the making of this Country and open a communication to the lower Country and put a total end to Indian Hostilities in the Southern Tribes of Indians. The Georgians are now carrying on a Campaign against the Creeks and have sent for our Assistance and the Cherokees have offered to go with us, and the Chickasaws have sent to us to let them know when we go, and they offer to Assist us. I expect the Men will March from here against the Creeks in three weeks, and if we have a successful campaign against the Creeks and your Assembly should take our local Situation under consideration and pass a separation Act on such conditions as will do justice to us all and make the purchase from the Indians, which they now offer to sell, and parcel out the Land by head Rights to them who will settle the Country, it will give great strength to the Country and give ease and happiness to the Settlers and bring a large sum of money into your Treasury and shut the eyes of Congress from lusting after the Country, which I think is our just Right, and prevent thousands of disputes; for I am convinced that the Country will settle in a very short time, whether it is purchased from the Indians or not; for the eyes of many persons coming to this Country is on that quarter and settling over the River fast; there is between 400 & 500 families settled over the River at this Time and I think, from the best Accounts I can get, there will be near double that this year on both sides of the River, below French Broad, as they are moving out daily to that Country.

Your Honor will please to excuse my freedom of writing my weak Sentiments to you so freely as its only from a candid desire to do something for the good of this Country, which in my opinion, were public Matters justly and spiritedly conducted, in a few years would become one of the first Countries to the Westward, & perhaps

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the information with the Indian Talk may be of some service to bring about the settling of the Country by some regular mode.

From your Affectionate Friend till Death,  
ALEX. OUTLAW.

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GOV. CASWELL TO HON. WILLIAM BLOUNT.

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[From Executive Letter Book.]

KINGSTON, October 9th, 1786.

DEAR SIR :

Herewith you will be pleased to receive Commissions for yourself and Mr. Bloodworth, another. I send them single, as they may be found more convenient on account of the Gentlemen going one after another. I have furnished Governor Nash with a General Commission. If he arrives in time there will be, I presume, no need of the others ; if he does not, those I send you will be of use, unless Mr. Burton should go forward which he probably may, as on his application I have furnished him with a warrant for half a year's Salary, to the end he might be prepared. But he did not apply for the Commission, nor did he signify the time he means to go forward ; yet to prevent his disappointment in case of his arrival at Congress, and there being a vacant seat, I give you the trouble of receiving a Commission for him also, and request you will be pleased to take it on with you. I have not anything to trouble you further with at this time. My most respectful Compliments attend you and your Colleagues.

I am Dear Sir,

Your most obedient humbl. Servt.,  
R. CASWELL.

DIRECTIONS TO THE SUPERINTENDENT OF INDIAN AFFAIRS.

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[From Executive Letter Book.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

October 10th, 1786.

On the report of a Committee to whom was referred a letter from the Superintendent of Indian Affairs for the Northern District, and a Motion from the State of Georgia,

Resolved, That the Superintendent of Indian Affairs for the Southern District be, and he is hereby directed, to repair to the States of North Carolina, South Carolina and Georgia, agreeably to the Resolution of Congress of the 6th of the present Month; and as there is reason to believe there are Animosities existing between the Indian Nations and the Inhabitants of the Frontiers of North Carolina and Georgia, the said Superintendent is hereby directed to investigate the causes of the uneasiness and report the same to Congress with all convenient dispatch, in order that such Measures may be adopted as may be most consistent with the Interest of the United States and safety of their Citizens.

That the said Superintendent be, and he is hereby directed, in the course of his examination and in the execution of the duties of his Office to confer and consult with the Executives of the States of North Carolina, South Carolina and Georgia, and that it be, and it is hereby recommended to them, to afford him all the aid and Protection in their power for the purposes above mentioned.

Resolved, That if upon due examination it shall be discovered that the Indians should Refuse reasonable Terms of pacification, and evince a disposition to commit or continue hostilities upon the Citizens of the said States, whose Inhabitants are subject to the effects of such hostilities, be informed that Congress are determined always to afford the most ample protection in their power to the citizens of the United States.

CHAS. THOMSON, Sec'ty.

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THE BOARD OF TREASURY TO GOV. CASWELL.

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[From Executive Letter Book.]

BOARD OF TREASURY, October 11th, 1786.

SIR :

We are honored with your Excellency's Letter of the 9th July last, with the Opinion of the Council of State, as to the propositions made by Mr. Robert Morris and Mr. Nicholas Romaine for the purchase of the Tobacco collected in the State of North Carolina on account of the United States. Our opinion coincides with yours that the offers were and still are eligible, and we are sorry that they were not embraced in our Letter of the 29th May last. We advised the shipping of the Tobacco to the ports of New York or Philadelphia in case the offers we suggested were not accepted. We do not observe by your Letter that any Arrangements of this Nature have been made ; the Season of the Year is so advanced that if it is the intention of the State that the Tobacco Collected at the places you have mentioned should be applied towards the discharge of the Requisitions of Congress, we beg leave to suggest to your Excellency the propriety of immediately disposing of it on such Terms as the Council may Judge proper, or of immediately forwarding it to the port of New York, in order that it may be disposed of for the best Interest of the State, and the net proceeds carried to their Credit with the United States.

We are with Respect,

Your Excellency's

Obedient Humble Servants,

SAMUEL OSGOOD,  
WALTER LIVINGSTON,  
ARTHUR LEE.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
October 11th, 1786.

SIR :

I have the honor of transmitting to your Excellency herewith enclosed an Act of the United States in Congress Assembled, for the appointment of a Superintendent of Indian Affairs in the Southern District, the election of Mr. James White to that Office; and an Act directing him to repair to the States of North Carolina, South Carolina and Georgia, and to investigate the causes of the Uneasiness between the Indian Nations and the frontier Inhabitants of North Carolina & Georgia; in which investigation he is to consult with the Executives of the three States, who are requested to afford him all the aid and protection in their power. Also, a resolution to inform the Executives of the States whose Citizens are subject to the effects of Indian Hostilities, that in case the Indians refuse reasonable terms of pacification and evince a hostile disposition, Congress will afford the most ample protection in their power to the Citizens of the United States.

With the Greatest Respect,

I have the Honor to be,

Your Excellency's most Obedient

And most Humble Servt.,

CHAS. THOMSON.

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GOV. CASWELL TO JOSEPH BLOUNT, JOSIAH COLLINS, ESQUIRES,  
COMMISSIONERS.

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[From Executive Letter Book.]

KINGSTON, October 14th, 1786.

GENTLEMEN :

Agreeable to your Report of the 5th Inst., which I received this day, I enclose a warrant on the Collector of Port Roanoke for the

amount of Mr. Hick's account, to enable you to discharge your Contract.

I am Gentlemen,  
Your most obedient Servant,  
R. CASWELL.

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GOV. CASWELL TO COL. JOHN TILMAN, OF CRAVEN.

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[From Executive Letter Book.]

KINGSTON, October 14th, 1786.

SIR :

Upon the Petition of Mr. Charles Roach, I have thought proper to restore him to his command of the Company of Militia in your Regiment, formerly under his command ; if there has been any determination of a Court Martial to his disadvantage as has been suggested, the Commanding Officer should have been furnished with a copy. This I do not learn has been the case, and the reason of his being superseded in his command, is, in my judgment, not such as ought to have operated against him, but rather in his favor ; for it certainly is the duty of every man to comply with the Laws of his Country, and his doing so in the most perilous times, should have given him credit with his Country, rather than have been a means of degrading him under any circumstance I am acquainted with. I require you shall consider Capt. Roach under the present Commission as restored to his former command, and that he take rank accordingly.

I am Sir, with great esteem,  
Your most obedient Servant,  
R. CASWELL.



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SECRETARY OF CONGRESS TO HIS EXCELLENCY GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF THE SECRETARY OF CONGRESS,  
October 16th, 1786.

SIR :

I have the honor of transmitting to your Excellency herewith enclosed, an Ordinance passed by the United States in Congress Assembled, for Establishing a Board to Liquidate and Settle all Accounts between the United States and Individual States. As this Ordinance contains a Recommendation to the several Legislatures to pass Laws to enable the said Board, and the person or persons Commissioned by them, to call before them Respectively witnesses, and examine them on Oath or Affirmation, in all Matters touching upon the Claims exhibited to the Board, Your Excellency will be pleased to submit this matter to the Legislature of the State over which you preside.

With the greatest Respect,

I have the honor to be Sir,

Your Excellency's most obedient

And most Humble Servant,

CHAS. THOMSON.

AN ORDINANCE FOR ESTABLISHING A MINT.

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[From Executive Letter Book.]

October 16th, 1786.

An Ordinance for Establishing the Mint of the United States of America and for regulating the Value and Alloy of Coin.

It is hereby Ordained by the United States in Congress Assembled that a Mint be established for the coinage of Gold, Silver and Copper Money, Agreeably to the Resolves of Congress of the 8th of August last, under the direction of the following Officers, viz.:

An Assay Master whose duty it shall be to receive Gold and Sil-

ver in Bullion, or Foreign Coin, to assay the same, and to give his Certificates for the value thereof at the following Rates :

For every pound troy weight of uncoined Gold, or Foreign Gold coin, eleven parts fine and one part alloy, two hundred and nine dollars seven dimes and seven cents, Money of the United States, as established by the Resolves of Congress of the 8th of August last, and so in proportion to the fine Gold contained in any coined or uncoined Gold, whatsoever.

For every pound troy weight of uncoined Silver, or Foreign Silver Coin, eleven parts fine and one part alloy, thirteen dollars seven dimes seven cents and seven Mills, money of the United States established as aforesaid ; and so in proportion to the Fine Silver contained in any coined or uncoined Silver, whatsoever.

A Master Coiner whose duty it shall be to receive from time to time of the Assay Master the bullion necessary for Coinage ; to report to Congress devices and Proof of the proposed pieces of Coin and to procure proper workmen to execute the Business of Coinage, reporting from time to time to the Commissioners of the Board of Treasury of the United States for Approbation and Allowance the occupation, number and pay of the persons so employed.

A Pay Master who shall be the Treasurer for the United States for the time being, whose duty it shall be to receive and take charge of the Coin made under the direction of the Master Coiner and to receipt for the same ; to receive and duly enter the Certificates for uncoined Gold or Silver issued by the Assay Master, and to pay Ninety-five hundredths of the Amount thereof in Gold or Silver and five hundredths in the Copper Coin of the United States. And it is hereby further ordained that the Certificates to be given by the Assay Master to persons who shall lodge Gold or Silver in the Mint for coinage, shall be on fine Bank paper, and expressed in the following Manner and form to-wit :

#### MINT OF THE UNITED STATES.

I acknowledge to have received of A. B. for Coinage (here insert the weight) of (insert the Specie) bullion, for the amount of which pay to ————— or Bearer the Sum of ————— at ten days sight, Agreeable to the Custom of the Mint.

C. D., Assay Master.

To E. F., Pay Master of the Mint of the United States of America.

And it is hereby further Ordained that the Officers above Mentioned, shall Settle their Accounts monthly Agreeably to such forms and Vouchers as shall be prescribed by the Comptroller of the Treasury.

And it is hereby further Ordained, That the Officers shall enter into Bonds to the United States in Congress Assembled for the faithful Execution of the trust respectively reposed in them in the manner and amount following, viz :

The Assay Master in the Sum of ten thousand Dollars, and two Securities each in the Sum of 5,000 Dollars.

The Master Coiner in the Sum of 10,000 Dollars and two Securities each in the Sum of 5,000 Dollars.

And that the affairs mentioned in this Ordinance as well as every other person employed in the Mint shall take and subscribe the Oath of Office, established by the Resolve of the 14th March, 1786.

And it is hereby further Ordained, That it shall be the duty of the Comptroller of the Treasury to Report monthly to the Commissioners of the Treasury of the United States, a statement of the Mint Accounts adjusted agreeably to the usual forms. And if on such Statement, or other information, it shall appear that there has been any Neglect, Mismanagement or Abuse of Trust, in any of the Officers mentioned in the within Ordinance, it shall be the Duty of the Commissioner of the Board of Treasury to suspend such Officer or Officers, and to Report thereon Specially to Congress.

And it is hereby further Ordained, That the Copper coin struck under the Authority of the United States in Congress Assembled, shall be receivable in all Taxes or payments due to the United States in the proportion of five dollars for every hundred dollars so paid ; but that no other Copper coin, whatsoever, shall be receivable in Taxes or payments whatsoever to the United States.

And whereas, The great Quantities of base Copper coin daily imported into or manufactured in the several States, has become so highly injurious to the Interest and Commerce of the same as to require the immediate interposition of the powers, vested by the Confederation in the United States in Congress Assembled, of regulating the Value of Copper, the coin so current, as aforesaid.

It is here by Ordained, That no Foreign Copper Coin whatsoever, shall after the first day of September, 1787, be current within the United States. And that no Copper coin struck under the Author-

ity of a particular State shall pass at a greater Value than one Federal Dollar for two pounds and a quarter of a pound Avoirdupois weight on such Copper coin.

Done by the United States in Congress Assembled, this 16th day of October Anno Domini, 1786, and of our Sovereignty and Independence the Eleventh.

CHAS THOMSON, Sec'ty.

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HON. WM. BLOUNT TO GOV. RICHARD CASWELL.

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[From Executive Letter Book.]

MARTINBOROUGH, October 19th, 1786.

SIR :

As I find it generally believed that I purchased a large quantity of Land of the Indians, who attended the Treaties at Hopewell on Keeowee last Winter, I think it necessary to declare upon my word & honor that I have not purchased any Land of any Indian, or Indians, nor been concerned in the purchase of any Land of any Indian, or Indians, directly or indirectly, since the Month of June one thousand seven hundred and eighty-five. And I further declare that I do not believe that any person who attended in a public capacity the Treaties before mentioned did purchase any Land of any Indian, or Indians, or that they were concerned in any purchase directly or indirectly.

That I signed the said Treaties as a Witness I am told has been made use of as a positive proof that I am perfectly agreed to the contents thereof. To this I answer, that previous to my signing as a Witness in my private capacity I had delivered to the Continental Commissioners my protest against the Treaties in my official capacity as will appear by their Journal ; a copy of which is in your possession. And here I hope it will not be thought improper to remark that nothing more could be *fairly* understood by my subscribing as a Witness than that I saw the contracting parties sign the Treaties.

Nothing surely is more common than for people, of Every Grade in Life, to Subscribe their names as witnesses to Instruments of Writing, the contents of which they are totally ignorant of and all

that is necessary for such Witnesses to know is, that they saw the Contracting Party or parties sign, Seal, &c. And this is the case with those in General who signed as Witnesses to the Treaties, tho' I do not mean to say that it was mine.

I am lately favored with a Letter from George Ogg, Esquire, dated at Augusta, July 17th, 1786, from which the following is an Extract: "Mr. Ward has delivered some odd of 4,000 skins and "has got as many more in the Nation, which the outrages committed by the Creeks on the frontier Settlements prevented him from "bringing them down in time. Some of the Skins have come to "hand and as there appears to be a small cessation of Hostilities at "present, I have ordered the remainder to come forward immediately. And as soon as the weather permits shall prize and send "them to Philadelphia, agreeable to your directions. Yet as War "seems to be the General Voice of the People we may meet some "disappointment."

I shall set out from this on the 21st Instant for New York, so as to be there in Time to take my Seat in Congress on the first Monday in November.

I have the honor to be,  
Your Excellency's  
Most Obedient Humble Servant,  
WM. BLOUNT.

HON. CHAS. THOMSON, SECRETARY OF CONGRESS, TO GOV. CASWELL.

[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
October 21st, 1786.

SIR :

I have the honor of transmitting to your Excellency herewith enclosed, an Act of the United States in Congress Assembled, for Augmenting the troops in the service of the Union to the number of 2,040 non-Commissioned Officers and Privates, which was passed by the Unanimous Vote of the ten States now represented in Congress.

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For your further information I herewith enclose the intelligence on which the Report of the Committee is Grounded.

With the Greatest Respect,

I have the honor to be,

Your Excellency's Most Obedient

And Most Humble Servant,

CHAS. THOMSON.

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HON. CHAS. THOMSON TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
October 21st, 1786.

(CIRCULAR.)

SIR :

I have the Honor of transmitting to your Excellency herewith enclosed, an Ordinance for the Establishing of the Mint of the United States of America, and for Regulating the Value and Alloy of Coin. As this Ordinance Limits the Time after which no Foreign Copper Coin shall be current within the United States and fixes the Value of Copper Coin struck under the Authority of any particular State in the Union, I submit to your Excellency the propriety of causing it to be published for the information of all whom it may concern, within the State over which you preside.

With the greatest respect,

I have the honor to be

Your Excellency's Most Obedient

And Most Humble Servant,

CHAS. THOMSON.

HON. JAMES WHITE TO GOV. CASWELL.

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[From Executive Letter Book.]

FAYETTEVILLE, October 22nd, 1786.

SIR:

Besides your Warrants for the Eight Months during which I was absent on the Business of the State of New York, there remains due the Customary Allowance to the Delegates for their going and returning. Your Warrants for the same will much oblige.

Your Respectful Obedient Servant,

JAMES WHITE.

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HON. JOHN JAY, ESQ., TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, 23rd October, 1786.

(Circular.)

SIR :

In pursuance of an Order of Congress of the 9th August last, of which the enclosed Paper, No. 1, is a Copy, I have the honor of herewith transmitting to your Excellency the List directed in it. And which contains an Account of all the Negroes belonging to your State that appear to have been carried away by the British when they Evacuated this City.

I have the honor to be,

Your Excellency's most Obedient

And Humble Servant,

JOHN JAY.

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MR. PETRY, VICE CONSUL OF FRANCE, TO GOV. CASWELL.

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[From Executive Letter Book.]

CHARLESTON, October 26, 1786.

SIR :

I have received the Letter your Excellency honored me with on the 18th September last.

I thank you for the information you gave me of your having given Warrants on the Treasury to the full amount of the Balance due from the State to the Government of Martinico.

Give me leave to remember to your Excellency my Letters of the 27th July & 25th Xber last, respecting my request to order and enforce the execution of my Sentence against Xavier Martin. Those Letters I suppose are by this time in your hands. This matter will I hope, meet with the support of my Character by the State whose Laws you are trusted with the Execution of.

I have applied several Times to the Naval Officers of Wilmington to get back the Register of the Brigantine Charlotte, navigated under French Colors, and sold in Wilmington under Execution of the Maritime & Mercantile Court. I beg you to order that this Register, or any other he may have, or any other Officer of the State will have in future, shall be returned to me as I must return them myself to the Admiralty who has granted them, and the bonds given for them must be discharged. There is a protest in the Chancery of this Consulship made by the purchaser of the Brigantine Charlotte, in which he says that the French Register having not been delivered to him, he has been obliged to take an American one. I have informed Mr. Walker, Naval Officer at Wilmington, of it, but without any Answer.

I am with the greatest Regard and Respect, Sir,

Your Most humble and obedient Servant,

PETRY.



HUGH WILLIAMSON, ESQUIRE, COMMISSIONER, TO GOV. CASWELL.

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[From Executive Letter Book.]

EDENTON, October 27th, 1786.

SIR :

On receiving the Commission which your Excellency was pleased to forward I held myself in readiness to proceed towards Annapolis so as to be there on Monday the 4th day of September, but as a single member had no Vote I waited till I should hear that some other of the Commissioners were on their way ; having reason to fear that Mr. Nash would not find it convenient to Attend I wrote to Mr. Blount proposing that we should forthwith set out a full week before the Time mentioned ; but received for answer from one of his Clerks that Mr. Blount was so ill of a Fever as not to be able to write. After some time Mr. Blount informed me that he was recovering and hoped to be able to undertake the Journey in a few days, but he wished me in the meanwhile to proceed to Annapolis, with such papers and other information respecting the State of our Commerce as I had been able to Collect, for I had, with some trouble, endeavored to Collect a full account of our Exports by which the relative Importance of our Commerce might in some measure be ascertained ; such information might be of use in the Deliberations of the Commissioners, though I could have no Vote before the Arrival of my Colleague. On the Seventh of September I arrived at Norfolk from whence the Baltimore Packet was ready to Sail, but stormy weather came on by which she was detained some Days and once put back after she had sailed ; hence, I did not arrive at Annapolis till after the 14th, on which the Convention rose. Had they proceeded to Business I should have been in Time. It was known that other States were on the Road for Annapolis but the Commissioners first Assembled have given sufficient reasons for not sitting longer.

I was necessarily absent from home in going, in waiting for a passage homeward and in returning 23 days, during that time it appears from my Cash Account that I expended £35 12/, including the postage of Letters and other papers respecting the Convention. I took a separate Account of my expences during the fortnight that

I was detained to the Northward by other Attentions. The Draft you was pleased to forward me for £100 was laid out in the purchase of Tobacco which I shipped to Philadelphia. Whenever I shall have received the Account of Sales I shall return the Balance into the Treasury unless you are pleased to direct otherwise. As I accepted of this appointment from a Zealous desire to promote the Mercantile interest of this State, I should on the same principles, have attempted faithfully to discharge the Duties of the Appointment though they had been much more Arduous, without the Expectation of Reward. With those Sentiments you will do me the justice to believe that I sincerely regret that nothing has been effected at the proposed meeting, and that while the United States are wasting by the most destructive Commerce no progress is made towards safety or system.

I have the Honor to be,

With the Greatest consideration, Sir,

Your most obedient,

And very humble Servant,

HUGH WILLIAMSON.

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HON. CHARLES JOHNSON'S RESIGNATION AS A DELEGATE IN  
CONGRESS.

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[From Executive Letter Book.]

EDENTON, 28th October, 1786.

SIR :

In my Letter of the 14th January last, I had the Honor of informing your Excellency that as the General Assembly had again Elected me a Delegate to Congress, altho' no provision of Specie had been made, nor attention paid to my Notification in a former Letter to your Excellency on that head, yet a sense of duty to the State & of gratitude for the unmerited, unsolicited honors conferred upon me, induced me to Resolve to proceed to Congress under all the disadvantages and difficulties I should inevitably meet with in converting paper money to Specie, the most Eligible manner of doing which I took the Liberty of pointing out to your Excellency, as well

as the necessity of supplying me immediately with a warrant for my Salary for Six Months, the shortest period that could be supposed for the residence of a Delegate in Congress; but to my great surprise and no less mortification, this request which appeared to me so very reasonable, your Excellency in your Letter of the 22nd of February thought fit to refuse by the advice of your Honorable Council. I restrict myself from making any other observation on this matter than that had my request been complied with I could have established the funds necessary for my Support; with tho' a considerable loss (which I would willingly have sustained) not an enormous one; as it was not granted the Opportunity was lost, for before I could obtain a Warrant in consequence of your Excellency's Letter of the 9th April in which you offered to furnish me with one, & could have procured money for it, the price of Tobacco had risen so high here owing to the price given by the Public Commissioners & the price to the Northward fell so much that the Sum that could have been realized in Specie from the paper money allowance would have been altogether inadequate to my Support as a Delegate in Congress, and as I did not choose to stand charged on the Comptroller's Book with a larger Nominal Sum which to apply to the purposes for which it would be granted must have sunk two-thirds of its value, I declined applying again to your Excellency for a Warrant, and, as the only expedient left, adopted the measure of purchasing and shipping Tobacco on my own Account intending to depend on the Assembly for reimbursements of the loss I should sustain; but from the experiment I made of a few Hogsheads, what with the lowness of the Market, the very indifferent quality of the tobacco passed at our Inspections and the warehouse damage it sustained, the sum produced was so trifling as would scarcely appear credible & compelled me to relinquish the measure.

From these circumstances which I beg your Excellency to excuse me for troubling you with, I flatter myself it will appear that neither want of respect for the appointment or a proper sense of the favors the Legislature have conferred on me nor of disinclination to serve the State can be laid to my charge, but finding it impracticable to execute the Office to which I have had the honor to be elected I am under the Necessity of resigning it and request your

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Excellency to accept of this as my Resignation, and to Acquaint the Assembly therewith.

I have the honor to be,

With perfect Respect,

Your Excellency's

Most Obedient humble Servt.,

CHAS. JOHNSON.

---

HON. JOHN SEVIER TO GOV. CASWELL.

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[From Executive Letter Book.]

MOUNT PLEASANT, FRANKLIN, 28 October, 1786.

SIR :

Our Assembly have again appointed Commissioners to wait on the parent State who I hope will cheerfully consent to the separation as they once before did.

It gives us inexpressible concern to think that any disputes should arise between us, more especially when we did not in the first instance pray the Separation, but after the same was done by act of your Assembly, we humbly conceived we should do no wrong by endeavoring to provide for ourselves, neither had we the most distant Idea that the Cession Act would be repealed, otherwise matters might not have been carried to the length they are. The propriety of the Repeal we do not pretend to scrutinize as respecting the policy of your State, but permit us to say, that in our opinion we discover many embarrassments both parties are likely to labor under, in Consequence of the Repeal. We cannot suppose that Congress will consider herself well treated by North Carolina, and we doubt thereby become in some measure Inattentive.

The late Indian Treaties in the South seems deeply to concern each party, especially now we find Congress have ratified the proceedings, and we have called on your State to carry the same into effect, so far as respects the same. We do not pretend to discriminate the Motives that induces that Body to enter into these measures, but beg leave to say that in our opinions, that had the Deed or Deeds been Executed Agreeable to the Cession Act, that then

our Lands in the Westward would have been secured under the conditions of that Act, but under the present circumstances the Greatest part of our Western Country lies in a very doubtful and precarious situation. I hope your Assembly will take under their serious Consideration our present Condition, and we flatter ourselves that August body will not demerge into ruin so many of their late Citizens who have fought and bled in behalf of the parent State; and who are still ready to do so again should there be an Occasion. Our local and remote situations are the only Motives that induce us to wish for a Separation. Your Constitution and Laws we revere, and consider ourselves happy that we have had it in our power to get the same established in the State of Franklin, Altho' it has Occasioned some confusion among ourselves. We do in the most candid and solemn manner assure you that we do not wish to separate from you on any other terms but on those that may be perfectly consistent with the Honor and Interest of each party. Neither do we believe there is any among us who would wish for a Separation did they believe the parent State would suffer any real inconvenience in Consequence thereof, & would be willing to stand or fall together under any dangerous Crisis whatsoever.

We cannot be of the opinion that any real advantages can be obtained by a longer connection; our Trade and Commerce is altogether carried on with other States, therefore neither party is benefitted on that Head. And whether it can be suggested, that the business of Government can be extended from five to eight hundred Miles distance is a matter I leave to your own good sense to Judge of, and further it cannot be supposed that the Inhabitants who reside at that distance are not Equally entitled to the blessings of Civil Government as their Neighbors, who live East, South or any other point, and not one fourth of the distance from the Seat of Government; besides the incomparable Advantages of the Roads and other easy communications, that you have on the East of the Apalachian. However inconsiderable the people of this Country may appear at this day, reason must inform us that the Time is not far distant when they will become as Consequential in Numbers if not more so than most of the Eastern States, and when your Excellency will be pleased to view the many Advantages arising from the fertility of our Soil and the Moderate and Salutary Climate, you cannot I presume differ in sentiments on this head.

We will admit that our importation is not so flattering but our Exports equal to any ; as to our present Abilities, we must Confess, are not so great as could be wished for, but happy for us we have the parent and many old and Experienced States to Copy after.

As to my own part I have always considered myself happy while under the Government of North Carolina and highly honored with the different appointments they have been pleased to confer.

I heartily wish your Legislature had either not repealed or never passed the Cession Act for probably it may occasion much Confusion, especially should your Assembly listen too much to prejudiced persons ; tho' this I have no right to suggest, but fear we may have sufficient quarrel on our hands without any among ourselves.

I am Authorised to say there is no set of people can think more highly of your Government than those who want the separation, and they only want it to answer their better Convenience ; and tho' they want to be separated in Government wish to be United in Friendship and hope that mutual good offices may never fail between the parent and Infant State, which is the sincere wish and desire of

Your Excellency's

Obedt. Hble. Servant,

JOHN SEVIER.

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HON. WM. BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, November 5th, 1786.

SIR :

I arrived here last Night and to-day I have seen the Commissioners of the Treasury who inform me that they wrote your Excellency some time past respecting the Tobacco belonging to the State of North Carolina, in which they had informed you that they had not received a better offer from any other hand than those made by Morris and Romayne, and that as the Council of North Carolina had resolved that neither of their offers ought to be accepted, it was not in their power to do anything with it. The Secretary of the Board has promised to give me a duplicate of the Commissioners'

Letter and if he does I shall forward it by this or the first Conveyance that offers after I receive it. At present there are only Members of Congress enough in Town to represent four or five States ; when there will be a sufficient Number to form Congress I can form no opinion. Mr. Nash yet continues much indisposed and I fear will not shortly be able to attend Congress ; this makes it more essentially necessary that some other of the Gentlemen in the Delegation should come on without delay, which I hope will be the Case.

I have the honor to be,  
Your Excellency's Most Obedient  
And Humble Servant,  
WM. BLOUNT.

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GOV. CASWELL TO JNO. C. BRYAN, ESQR.

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[From Executive Letter Book.]

KINGSTON, November 7th, 1786.

SIR :

Herewith enclosed you will receive an order to carry into Execution the Sentence of the Vice-Consul of France, in a case between J. J. Coulougnac & Co. and Mr. Martin, which you will be pleased to pay proper attention to.

I am Sir,  
Your most obedient Servt.,  
R. CASWELL.

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HON. WILLIAM BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, November 7th, 1786.

SIR :

I had the honor to address your Excellency yesterday by Mr. Cutting. As yet only five States have appeared on the floor of Congress. Enclosed I send you several papers of this date.

I have the Honor to be,

Your Excellency's Most obedient

And most humble servant,

WM. BLOUNT.

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SAMUEL OSGOOD, WALTER LIVINGSTON & ARTHUR LEE TO  
GOV. CASWELL

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[From Executive Letter Book.]

BOARD OF TREASURY, November 13th, 1786.

(Circular)

SIR :

We have the honor of transmitting to your Excellency the General requisition of the United States in Congress for the present Year, which we request the favor of you to lay before the Legislature of the State in which you have the honor to preside. By the enclosed Schedule your Excellency will observe that the amount of the deficiencies, due from the several States is no less than 8,523,-252 67-90ths Dollars.

As these requisitions are made for the express purpose of defraying the Interest of the Foreign & Domestic Debt, and the charges of the Civil Government, the Legislative Bodies of the several States will easily Judge to what embarrassments the Union must necessarily be reduced for want of sufficient funds to discharge these essential engagements.



|                                                        |               |
|--------------------------------------------------------|---------------|
| The whole amount of the Requisitions since the first   | Dollars.      |
| of September, 1782, is . . . . .                       | 11,977,062.00 |
| Of which to the 31 December, 1783, had only been       |               |
| paid in Specie . . . . .                               | 1,329,009.00  |
| And since that period to 30 June, 1786, in Specie. }   | 1,382,994.87  |
| Indents . . . . . }                                    | 741,805.66    |
|                                                        | <hr/>         |
|                                                        | 2,124,800.63  |
| Deficiency on the Requisition to 30th June, 1786 . . . | 8,523,252.27  |
|                                                        | <hr/>         |
| As above . . . . .                                     | 11,977,062.00 |
| By examining the Estimates of the Sums necessary to    |               |
| be raised by the several States in Specie, since the   |               |
| 27th of April, 1784, it appears that for discharging   |               |
| Specie engagements unsatisfied in 1783, and for the    |               |
| support of the Civil Establishment and payment of      |               |
| Interest on the Foreign Debt there was called for      |               |
| by that Requisition . . . . .                          | 1,806,066.32  |
| By that of the 27th Sept. 1785, for payment of the     |               |
| Foreign Interest and Support of the Civil Govern-      |               |
| ment . . . . .                                         | 844,808.00    |
| By that of the 2nd August, 1786, for the objects men-  |               |
| tioned, and for discharging certain installments of    |               |
| the principal of the French Loans . . . . .            | 2,170,501.58  |
|                                                        | <hr/>         |
| Total . . . . .                                        | 4,821,376.00  |
| Since the first of December, 1783, to the 30th June,   |               |
| 1786, there appears to have been paid into the         |               |
| Treasury in Specie . . . . .                           | 1,382,994.87  |
| Out of which the Sum of . . . . .                      | 256,445.00    |
| Past to the Credit of the State of South Carolina,     |               |
| was for supplies furnished and Credited, as Specie     |               |
| by a Special Agreement with the late Superinten-       |               |
| dents of Finance, which if deducted leaves . . . . .   | 1,126,549.87  |
| By the Requisition of the 27th & 28th of April, 1784,  |               |
| which was required for the support of the Civil        |               |
| Government . . . . .                                   | 457,523.33    |
| By that of the 27th of Sept. 1785 . . . . .            | 404,555.32    |

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|                                               |              |
|-----------------------------------------------|--------------|
| By that of the 2nd August, 1786.....          | 446,874.00   |
| Of which a Moiety to 30th June, 1786, is..... | 223,437.00   |
|                                               | <hr/>        |
| Surplus.....                                  | 1,087,517.65 |
|                                               | 39,032.22    |
|                                               | <hr/>        |
| As above.....                                 | 1,126,549.87 |

So that the surplus of the Receipt beyond what was necessary to defray the Charges of the Government in the course of two and a half years, that is from 31st Dec., 1783, to the 30th June, 1786, is only 39,032 22-90ths Dollars to be applied towards this discharge of the Specie engagements above mentioned.

The result of the Facts above stated is, that unless the several States adopt without delay a more efficient mode of supplying the General Treasury than has hitherto been adopted, the Confederacy of the States on which their existence depends, must inevitably be dissolved.

In Considering the Acts of the Legislatures of those States which have complied with the several Requisitions, the principal causes of the extraordinary deficiency resulting from their operation appears to be as follows, viz :

1st. That the Taxes intended for the purposes of the Union are blended with those which are necessary to be raised for State purposes.

2nd. That the Laws by which they are imposed depend more for their Execution on the Diligence and Integrity of the Officers entrusted with the Collection, than on the Nature of the Tax, or in other words too much reliance is placed on direct Taxation.

3rd. That the Specie sums to be paid by Individuals in pursuance of the State Requisitions in the discharge of the Federal Taxes not bearing the same proportion to the payment of Indents of interest which is prescribed by the respective Requisitions, the Receipt of Specie is not only thereby retarded, but any deficiency which arises on the Taxes falls off the Specie proportion, of the several requisitions.

If on a mature consideration, what we have pointed out as defects in the Acts above referred to should appear to be such to the several Legislatures, we may venture to hope that their Zeal to preserve

the Union will induce them to make effectual provision for Remedying the same, so that the Balances of Specie respectively due from them, may without delay, be brought into the General Treasury.

By the Union of the several States they have rescued themselves from the projected Tyranny of a powerful Nation ; and established Constitutions on the free consent of the people ; which if properly executed, would in all probability prove the firm Support of the Civil and Religious Rights of those who live under their influence. But these Constitutions cannot long out live the fate of the General Union ; And this Union cannot exist without Adequate Funds to defray the Expences of the Government and to discharge those Engagements which have been entered into with the Concurrence of all the States for the common benefit.

In the first Rank of these engagements the Legislatures of the several States will undoubtedly consider the Foreign Debt on which the Ammutation has become so great, that all hopes of our ability to discharge the same from the ordinary operation of Requisitions are altogether at an End. If therefore far greater Exertions are not made by the several States, to furnish their respective Quotas than have hitherto taken place, the delinquent States must be Responsible for all those Evils which must inevitably flow from a disregard to the political ties which unite them with the other Members of the Confederacy and to those principles of Justice and Good Faith, which can alone support the Existence of a free Government.

We are with the Greatest Respect,

Your Excellency's Most Obedient

And Humble Servants,

SAMUEL OSGOOD,

WALTER LIVINGSTON,

ARTHUR LEE.

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HON. WILLIAM BLOUNT, ESQUIRE, TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, November 13th, 1786.

SIR :

As yet there have not appeared a sufficient number of Members to form a Congress. I arrived here on the 5th Instant and did myself the honor to address a Letter to you on the 6th. I sent it by a water Conveyance and hope it will be to hand before this. Ever since the above mentioned time my Colleague, Mr. Nash, has been so much indisposed as to be Confined to his bed, at some times better and again worse ; to-day he appears to be as ill as at any other Time and talks much of Returning to Carolina with Captain Tinker, who will probably leave this in eight or ten days. I have been thus particular respecting Mr. Nash to shew the Necessity there is for some other Gentleman of the Delegation to come on, and if the State means to be Represented by three two ought to come on.

The Insurgents in Massachusetts seem inflexibly determined not to give up their Arms only to a Superior force ; and a Gentleman lately from that State, high in Office and of the best information, has given it as his desired opinion that much blood will be shed before they will submit to Government.

I have the honor to be,

Your Excellency's

Most obedient Servant,

WM. BLOUNT.

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AN ORDINANCE FOR ESTABLISHING A BOARD FOR SETTling  
PUBLIC ACCOUNTS.

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[From Executive Letter Book.]

16th November, 1786.

An Ordinance for Establishing a Board to Liquidate and settle all Accounts between the United States and Individual States.

It is hereby Ordained by the United States in Congress Assem-

bled, that the Authority of the Commissioners appointed in pursuance of the Resolution of Congress of the 20th February, 1782, shall from and after the first day of April next, terminate and cease, except the Commissioners for the States of North Carolina and Georgia, who shall continue in Office for the purpose of Settling the Claims of Individuals for such longer Time not exceeding six months as the Board of Treasury shall direct; Provided always, That the Board of Treasury may sooner dismiss any of the said Commissioners. That a Board to consist of Three Members, any two of whom shall be a quorum, be appointed, who shall be and hereby are invested with all the powers and Authorities of the aforesaid Commissioners so far as they relate to the Settlement of the Accounts between the United States and Individual States and shall sit where Congress may from time to time direct.

That in cases where no written Vouchers can be produced for Claims founded upon existing Resolutions of Congress, and the said Board shall receive satisfactory evidence that such Vouchers have been destroyed or unavoidably lost, or that from the circumstances of the case they have never been obtained, the said Board may receive such other Evidence as shall be satisfactory to them, provided the same be the best that the nature and circumstances of the case will admit of; and at their discretion may examine on Oath, any person or persons they may think fit respecting the Claims exhibited, whether accompanied with written Vouchers or not.

That in cases where the Testimony of a witness not residing within twenty miles of the place where the said Board shall sit shall appear to be essential, the said Board are hereby authorized to issue a Commission to some proper person or persons, to take the Deposition in writing, with the interrogatives and answers, in presence of the Agent or Agents of the party Claimant, his or their Attorney, and the person appointed by the said Board, Agent on the part of the United States. And the said Board are hereby Authorised to appoint some suitable person to be present as Agent of the United States at the taking of such Deposition, to interrogate the Witness, and observe that his Evidence contain the whole truth, and nothing else. And the said Board shall in each Commission notify to the Person or Persons to whom the said Commission may be issued, the name and place of residence of such Agent and the said person or persons shall give due Notice in writing to the party

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Claimants, and to the said Agents to be present at taking such Deposition, allowing at the Rate of one day for every ten Miles the most remote of them shall be from the place where the Deposition is to be taken.

That it be, and it is hereby recommended to the Legislatures of the several States, to pass laws to enable the said Board and the person, or persons so Commissioned by them, to call before them respectively Witnesses, and examine them on Oath or Affirmation in all matters touching the Claims exhibited to the said Board.

That where any State has Claims against the United States not Authorized or Sanctioned by existing Resolutions of Congress, and the same shall be laid before the said Board within one year after the Organization thereof the Board shall examine the same, and Report the State of such Claims with their opinion thereon to Congress.

That the Commissions of the Board shall continue in force for three years unless sooner Revoked by Congress.

Done by the United States in Congress Assembled, this 13th day of October in the year of our Lord, one thousand seven hundred and eighty-six, and of our Sovereignty and Independence the Eleventh.

CHAS. THOMSON.

## RETURN OF THE BRIGADE OF MILITIA OF MORGAN DISTRICT, COMMANDED BY BRIG. GENL. CHAS. McDOWEL.

| REGIMENT.    | Field Officers. |              |         | Com'd Officers. |              |          | Staff Officers. |              | Non-com'd Officers. |            |             |             | Drum & Fife |         | Rank & File. | Total. | REMARKS.    |
|--------------|-----------------|--------------|---------|-----------------|--------------|----------|-----------------|--------------|---------------------|------------|-------------|-------------|-------------|---------|--------------|--------|-------------|
|              | Colonel.        | Lt. Colonel. | Majors. | Captains.       | Lieutenants. | Ensigns. | Adjutants.      | Qr. Masters. | Serg't Major.       | Sergeants. | Drum Major. | Fife Major. | Drummers.   | Fifers. |              |        |             |
| First .....  | 1               | 1            | 2       | 12              | 12           | 12       | 1               | "            | "                   | 48         | "           | "           | 12          | 12      | 948          | 1062   | Burke.      |
| Second ..... | 1               | 1            | 2       | 12              | 12           | 12       | 1               | "            | "                   | 48         | "           | "           | 12          | 12      | 848          | 961    | Lincoln.    |
| Third .....  | 1               | 1            | 1       | 11              | 11           | 11       | "               | 1            | 1                   | 44         | 1           | "           | 11          | 11      | 318          | 422    | Wilkes.     |
| Fourth ..... | 1               | 1            | 2       | 11              | 11           | 11       | 1               | 1            | 1                   | 22         | 1           | "           | "           | 5       | 559          | 626    | Rutherford. |
| Total .....  | 1               | 4            | 7       | 46              | 46           | 46       | 3               | 2            | 2                   | 162        | 2           | "           | 35          | 40      | 2673         | 3071   | /           |

CHAS. McDOWEL, B. G.

November 20th, 1786.

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GOV. PATRICK HENRY TO GOV. CASWELL.

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[From Executive Letter Book.]

RICHMOND, Nov. 21st, 1786.

DEAR SIR :

David Ross, Esquire, informs me has petitioned your Assembly for a Grant of some Lands necessary for carrying on to a large extent some Iron works in your State. He tells me he intends to carry them on in a manner calculated to promote the general good as well as his own advantage. You are sensible how necessary it is to over awe the Indians and others, on the Mississippi & its waters ; and for the Americans to have at their Command those Resources which serve to render us formidable. Iron castings will form a grand object, as will every Species of wrought Iron. From my long acquaintance with Mr. Ross, his great fortune and anxiety in these Iron works, I have not a doubt of his fully accomplishing the most sanguine Expectations on this subject. I think the most perfect reliance may be placed on his assurances, and in order to induce your Excellency to Countenance this undertaking, so essential to the interest of both Carolina and Virginia, as well as America in general, or at least its Western parts, I have given you the trouble of this. I beg leave to assure your Excellency of the high Regard and Esteem with which I am Sir,

Your most Obedient Servant,

P. HENRY.

Virginia was indebted to Mr. Ross alone, for the Excellent Cannons that were made here during the war of his Iron; and for large supplies of different kinds both for the Army and Navy.

P. H.



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AN ACT OF THE LEGISLATURE OF THE STATE OF VIRGINIA FOR  
APPOINTING DEPUTIES TO REVISE THE  
FEDERAL CONSTITUTION.

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[From Executive Letter Book.]

November 23rd, 1786.

AN ACT

For appointing Deputies from this Commonwealth to a Convention proposed to be held in the City of Philadelphia, in May next, for the purpose of Revising the Federal Constitution.

Whereas, The Commissioners who assembled at Annapolis, on the fourteenth of September last, for the purpose of devising and reporting the means of enabling Congress to provide effectually for the Commercial Interest of the United States, have represented the necessity of extending the revision of the Federal System to all its defects; and have recommended that Deputies for that purpose be appointed by the several Legislatures to meet in the Convention in the City of Philadelphia, on the second day of May next; a provision which seems preferable to a discussion of the subject in Congress, where it might be too much interrupted by the ordinary business before them; and where it would besides, be deprived of the valuable Councils of sundry individuals, who are disqualified by the constitution or laws of particular States, or restrained by peculiar circumstances from a seat in that Assembly.

And Whereas, The General Assembly of this Commonwealth, taking into view the actual situation of the Confederacy, as well as reflecting on the alarming representations made from time to time, by the United States in Congress, particularly in their Act of the fifteenth day of February last, can no longer doubt that the crisis is arrived at which the good people of America are to decide the solemn question, whether they will by wise and magnanimous efforts reap the just fruits of that independence which they have so gloriously acquired, and of that Union which they have cemented with so much of their common blood; or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interest, they will renounce the auspicious blessings prepared

for them by the Revolution, and furnish to its enemies an eventual triumph over those, by whose virtue and valor it has been accomplished.

And whereas, in the same noble and extended Policy, the same fraternal and affectionate sentiments, which originally determined the Citizens of this Commonwealth, to unite with their Brethren of the other States, in establishing a Federal Government, cannot but be felt with equal force now as the motives to lay aside every inferior Consideration, and to concur in such farther concessions and provisions, as may be necessary to secure the great objects for which that Government was instituted, and to render the United States as happy in Peace, as they have been glorious in War.

Be it therefore Enacted by the General Assembly of the Commonwealth of Virginia, That seven Commissioners be appointed by joint ballot of both Houses of Assembly, who, or any three of them, are hereby Authorized as Deputies from this Commonwealth to meet such Deputies as may be appointed and authorized by other States, to Assemble in Convention at Philadelphia, as above recommended, and to join with them in devising and discussing all such alterations and farther provisions, as may be necessary to render the Federal Constitution, adequate to the exigencies of the Union, and in reporting such an Act for that purpose, to the United States in Congress, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same.

And be it further Enacted, That in case of the Death of any of the said Deputies, or of their declining their appointments, the Executive are hereby authorized to supply such vacancies; and the Governor is requested to transmit forthwith a copy of this Act, to the United States in Congress, and to the Executives of each of the States in the Union.

November 9, 1786. Read the third time and passed the House of Delegates.

JOHN BECKLEY, C. H. D.

November 23rd, 1786. Passed the Senate.

H. BROOKE, C. S.

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DAVID CAMPBELL, ESQUIRE, TO GOV. CASWELL.

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[From Executive Letter Book.]

STATE OF FRANKLIN, CASWELL COUNTY,  
November 30th, 1786.

May it please your Excellency :

I have hesitated to address you on so delicate a subject as the present. I shall only state a few facts, and leave your Excellency to draw the Conclusion.

Is not the Continent of America, one Day, to become one Consolidated Government of United States ?

Is not your State Connected with this part of the Country too extensive ?

Are we not then one Day to become a separate people ?

Do you receive any Advantages from us now or do you ever expect to receive any ?

I believe you do not suffer us then to pursue our own happiness in a way most agreeable to our situation and Circumstances.

The plans laid for a regular and Systematical Government in this Country are greatly frustrated by the opposition from your Country. Can a people so nearly connected as yours are with ours delight in our misfortunes ?

The Rapid settlements that are making and have been made out of the bounds prescribed both by your State and ours is a matter worthy your Consideration. Our divisions are favorable to those who have a mind to Transgress our Laws. If you were to urge us and it were possible we should revert back to you, in what a Labyrinth of difficulties would we be involved. Witness the many Law Suits which have been decided under the Sanction of the Laws of Franklin, the retrial of which would involve many persons in certain Ruin.

If we set out wrong or were too hasty in our separation this Country is not altogether to blame; your State pointed out the Line of Conduct which we adopted. We really thought you in Earnest when you ceded us to Congress. If you then thought we ought to be Separate, or you now think we ever ought, permit us to complete the Task that is more than half done. Suffer us to give

energy to our Laws & Freedom to our Councils by saying we are a Separate and Independent people, and we will yet be happy. I suppose it will astonish your Excellency, to hear there are many families settled within Nine Miles of the Cherokee Nation. What will be the Consequence of those immigrations? Our Laws and Government must Conclude those people or they will become dangerous. It is vain to say they must be Retained. Has not all America extended their back settlements in Opposition to Laws & Proclamations? The Indians are now become More pusilanimous, and consequently will be more & more-encroached upon, they must, they will be circumscribed. Some of your Politicians think we have not men of abilities to Conduct the Reins of Government. This may in some Measure be true, but all new States must have a Beginning; and we are daily increasing in Men both of Political and Law Knowledge. It was not from a love of Novelty, or the desire of Titles I believe, that our Leaders were induced to engage in the present Revolution but from pure necessity, we were getting into Confusion, and you know any Government is better than Anarchy. Matters will be differently represented to you, but you may rely on it a great Majority of the People are anxious for a separation.

Nature has separated us, do not oppose her in her works; by Acquiescing you will bless us and do yourself no injury. You bless us by Uniting the disaffected, and do yourself no injury because you lose nothing but people who are a Clogg on your Government and to whom you cannot do equal Justice by reason of their detached situation.

I was appointed to wait on your General Assembly to urge a Ratification of our Independence; but the misfortune of losing one of my Eyes and some other occurrences prevented me. You will therefore pardon me for the Liberties I have taken, whilst I am endeavoring to serve a people whose situation is truly Critical.

I am, Your Excellency's,

Most obedient Humble Servt.,

DAVID CAMPBELL.

GOV. RANDOLPH TO GOV. CASWELL.

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[From Executive Letter Book.]

RICHMOND, December 1st, 1786.

SIR :

I feel a peculiar satisfaction in forwarding to your Excellency the enclosed Act of our Legislature. As it breathes a spirit truly Federal, and contains an effort to support our General Government which is now reduced to the most awful crisis, permit me to solicit your Excellency's Co-operation at this trying moment.

I have the Honor to be,

Your Excellency's Most obedient

And Humble Servant,

EDW. RANDOLPH.

---

GOV. RANDOLPH TO GOV. CASWELL.

---

[From Executive Letter Book.]

RICHMOND, December 6th, 1786.

SIR :

My anxiety for the well being of the Federal Government will not suffer me to Risque such important Consideration upon the safety of a single Letter. Your Excellency will therefore excuse me for again intruding on you with the enclosed Act of our Legislature and repeating the Request urged in my Letter of the first Instant that you would give a zealous attention to the present American crisis.

The Gentlemen appointed by Virginia for the Convention at Philadelphia, are General Washington, Mr. Patrick Henry the late Governor, Mr. George Wythe & Mr. John Blair, two of the Judges of the High Court of Chancery, Mr. James Madison, Jun., a Member

of Congress, Mr. George Mason a Member of the Legislature and myself.

I have the honor to be Sir,  
With sentiments of perfect respect,  
Your Most Obedient Servant,  
EDW. RANDOLPH.

---

HON. WM. BLOUNT, ESQUIRE, TO GOV. CASWELL.

---

[From Executive Letter Book.]

NEW YORK, December 7th, 1786.

SIR :

On Saturday the 2nd of Sept., departed this life at 4 O'Clock in the afternoon, my worthy Colleague Mr. Abner Nash ; his death is here much Lamented and I sincerely condole with his friends and Country the loss of so Valuable a Member.

The enclosed paper will show the Respect that has here been paid him in his burial.

I am at present the only Delegate from North Carolina. As yet there is no Congress formed but there would have been one three weeks since if Mr. Nash could have attended.

The Commotions in Massachusetts daily become more alarming.

I have the honor to be,  
Your Excellency's  
Most Obedient Servant,  
WM. BLOUNT.

---

HON. WILLIAM BLOUNT TO GOV. CASWELL.

---

[From Executive Letter Book.]

NEW YORK, December 13th, 1786.

SIR :

The enclosed paper contains the latest accounts that have reached this City from the convulsed State of Massachusetts.

No Congress formed yet ; only South Carolina, Virginia, Maryland and Pennsylvania represented ; New York and Massachusetts have been here but have gone to New Haven to endeavor to settle, by way of compromise with other Commissioners, the dispute between those two States respecting Territory ; both these States are now daily expected back and it is supposed that the Delegates of Connecticut and New Jersey, will make their Appearance as soon as possible after they are informed of the return of the aforementioned States from New Haven, so that a Congress may be expected to be formed in a few days.

I wrote you some days past and informed you of the death of my Colleague, Mr. Nash.

I have the Honor to be,  
Your most obedient Servant,  
WM. BLOUNT.

---

HON. CHAS. THOMSON, SECRETARY OF CONGRESS TO GOV. CASWELL.

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[From Executive Letter Book.]

OFFICE OF SECRETARY OF CONGRESS,  
December 14th, 1786.

(Circular.)

SIR :

I am sorry to inform your Excellency that since the first Monday in Nov. last the States have not Assembled in sufficient numbers to proceed to business. At present there are Delegates attending from Sundry States but Pennsylvania, Virginia and South Carolina are the only States unrepresented. This is the more fortunate as among other matters of great importance which demand the immediate attention and deliberation of Congress the disorders in Massachusetts seem to be hastening fast to a Crisis. The interest of the Confederacy certainly require a Speedy and full representation in Congress.

With the Greatest respect,

I have the Honor to be

Your Excellency's Most obedient

And most humble Servant,

CHAS THOMSON.

---

GOV. R. CASWELL TO HON. ROBERT BURTON, ESQUIRE.

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[From Executive Letter Book.]

FAYETTEVILLE, December 20th, 1786.

SIR:

I am requested by the General Assembly to direct you to proceed on immediately to New York to take your seat in Congress.

This I flatter myself you will readily attend to when I inform you that the Death of Mr. Nash and the return of Mr. Bloodworth leaves us unrepresented, Mr. Blount being the only Member now attending from this State.

I have the Honor to be

With great respect Sir,

Your most obed. Servt.,

R. CASWELL.

---

GOV. CASWELL TO HON. NATHANIEL MACON.

---

[From Executive Letter Book.]

FAYETTEVILLE, December 20th, 1786.

SIR:

In pursuance of a Resolution of the General Assembly, I am to request you to immediately proceed to New York and take your seat in Congress.

This State is now unrepresented, the Death of Mr. Nash, and the return of Mr. Bloodworth, leaves us without any other Member in Congress than Mr. Blount.

I have the honor to be,

With great respect and esteem, Sir,

Your most obedient Servant.

R. CASWELL.



---

ORDERS TO THE COLONEL OR COMMANDING OFFICER OF  
BLADEN COUNTY, NORTH CAROLINA.

---

[From Executive Letter Book.]

Richard Caswell, Esquire, Governor, Captain-General and Commander in Chief of the said State, to the Colonel or Commanding Officer of the Militia in the County of Bladen, Greeting :

Whereas, by a late Treaty entered into by the United States and the Cherokee Indians ; it is stipulated that the prisoners on either side shall be delivered up and exchanged ; and whereas, I am informed that an Indian Boy of the Cherokee Nation taken in War by the Citizens of this State is in your County.

I therefore require you to make or cause to be made diligent inquiry and search for the said Indian Boy and if he can be recovered that you deliver him to Joseph Martin, Esqr., Superintendent of Indian Affairs, appointed by Authority of this State, in order that such Boy be exchanged agreeable to the stipulations contained in the Treaty aforesaid.

Given under my hand and seal at Fayetteville, the 12th Day of December, 1786.  
[Seal] R. CASWELL.

N. B. It is suggested that the Indian Boy alluded to is in possession of John Faris.

---

COL. SELBY HARNEY TO GOV. CASWELL.

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[From Executive Letter Book.]

CAMDEN, December 21st, 1786.

SIR :

Your Excellency's Proclamation for calling the Officers, &c., to attend the General Assembly now sitting, never came to my knowledge before the 18th day of the month. The shortness of the time and some other Circumstances renders it almost impossible that I could attend before it would be probable the House would rise ; I

would therefore hope to be excused for the present but at any other Time, by having Timely Notice, would willingly attend and answer for my Conduct, being conscious that whatever I have done for which I stand charged has been from disinterested principles; its true that I have signed a number of Soldiers Accounts from this quarter, and perhaps there may have been some impositions. As there was no other field Officer living in these lower Counties but myself, most of the line applied to me, and I have endeavored with much assiduity and trouble to Collect the best Vouchers that possibly could be had, To Ascertain their Time of service, that Justice might be done both to the State and the Individuals; some having died in the Service the best Accounts in that case could be only from living Soldiers to point out the place, what actions, &c.

Enclosed is a List of such Soldiers as I have signed for chiefly for these three Lower Counties.

Luke Lamb Farrell, Lieut., William Carlton, Lieut., Thomas Mann, Samuel Nichols, Sterling Dean, Isaac Sanderlin, Levi Sanderlin (deserted but joined again, discharged by Col. Lamb, which discharge I have), Thomas Jennings, Hodges Beneham, John Gilbert, Geo. Burges, John Relfe, Isaac Gallope, Frankland Trueet, Jona. Sexton, William Harrington, Jabiz Spence, William Sexton, Isaac Litten, Robert Jackson, Levi Wright, Thomas Walden, Wiloughby Crisp, Joseph Case.

The following eleven in Number called on Captain Joseph Ferebee to justify, Luke Sylvester, Thomas Frenton, Mal. Valentine, Thomas Caton, John Lutts, Joseph Hanners, Ned Thomson, Wiloughby Thomson, Loto. Trueet, Christo Clinch & James Powers, William Woodly. Justified by Capt. Howell Tatom, Griffith Darige, Jacob Darige, John Conway, Clement Godfrey, Willis Gregory, John Wyatt, Emanuel Marshall, William Parr, Malack White, Jacob Bennett, Caleb Saunders, Josiah Miller, John Brent, Collin Saunders, John Campbell, Timothy Ward, Lemuel Halstead, Caleb Hanners, James Jinkings, Henry Morrisse, Solomon Campbell, George Williamson, William Mahones, Samuel Burnham, John Leefman, Thomas Garrat, (this one deserted after serving three Years and four months but it being made appear to me that he enlisted only for three years, I ventured to sign his account in order to do him justice, which I yet conceive to be no injury to the State.)

The foregoing is nearly a State of my proceedings between the State and the line except a few, & very few signed at New Bern under the Justification of Capt. McNeese & signed first by him. Now I am willing and would wish that all impositions may be debated and if any has been done thro' me it was not knowingly or Interestedly, as I have never purchased but two Accounts, both Small ; I can also bring Vouchers or living Witnesses to make it appear if called upon, at any other time.

I am Sir,

Your Excellency's Humble Servant,  
SELBY HARNEY.

---

HON. WM. BLOUNT TO GOV. CASWELL.

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[From Executive Letter Book.]

NEW YORK, December 30th, 1786.

SIR:

The Consul General of France has long been endeavoring to obtain an exact Account of what and how much each State Annually Exports of her own Growth & Manufacture, and has obtained it from every other State but North Carolina. And as I am sure it can be productive of nothing but good to the State that her Exports should be known to him and thro' him to his Nation, I take the Liberty of requesting that your Excellency will be pleased to direct the several Naval Officers to transmit to the Delegation of North Carolina in Congress without delay, an Exact account of each and every Article Exported from that State in the years 1785 & 1786, of her own Growth and Manufacture, Certified under their hands with their Official Capacities. The States in General publish in the Newspapers an Account of their Annual Exports ; South Carolina has lately published hers in which the utmost particularity has been observed, even to Naming the Class of the Vessel, that is whether Ship, Brig or any other kind, and the Nation to which each Vessel belonged in which any of their produce was Exported.

I am Your most obedient Servant,  
WM. BLOUNT.

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ARTICLES OF A TREATY BETWEEN THE COMMISSIONERS OF THE  
UNITED STATES AND THE CHOCTAWS AT HOPEWELL.

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[From Executive Letter Book.]

January 3rd, 1786.

ARTICLES OF TREATY

Concluded at Hopewell, on the Keeowee, near Senaca old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, Commissioners Plenipotentiary of the United States of America, of the one part, and Yockonahoma, great Medal Chief of Soonacoha, Yockahoopoie, leading Chief of Bugtooloo, Mingohoopoie, leading Chief of the Harkooqua, Tobocok, great Medal Chief of Congetoo, Pooshemastubie, Gorgit Captain of Sewayars, and thirteen small Medal Chiefs of the first Class, twelve Medal and Gorget Captains, Commissioners Plenipotentiary of all the Choctaw Nation of the Other part.

The Commissioners Plenipotentiary of the United States of America give peace to the Choctaw Nation and receive them into their favor and protection of the United States of America on the following conditions :

Article 1. The Commissioners Plenipotentiary of the Choctaw Nation shall restore all the prisoners, Citizens of the United States, or subjects of their Allies to their entire liberty, if any there be in the Choctaw Nation. They shall also restore all the Negroes and all other property taken during the late war from the citizens, to such persons, and at such time and place as the Commissioners of the United States of America shall appoint, if any there be in the Choctaw Nation.

Article 2. The Commissioners Plenipotentiary of all the Choctaw Nation, do hereby acknowledge the tribes and towns of the said Nation, and the lands within the Boundary allotted to the said Indians, to live and hunt on, as mentioned in the third Article, to be under the protection of the United States of America and of no other Sovereign whatsoever.

Article 3. The boundary of the lands hereby allotted to the Choctaw Nation to live and hunt on, within the limits of the United

States of America, shall be the following, viz : Beginning at a point on the thirty-first degree of North latitude where the Eastern Boundary of the Natchez district shall touch the same, thence East along the said thirty-first degree of North latitude, being the Southern boundary of the United States of America, until it shall strike the Eastern Boundary of the lands on which the Indians of the said tribe lived and hunted, on the twenty-ninth of November one thousand seven hundred and eighty-two, while they were under the protection of the King of Great Britain ; then Northerly along the said Eastern boundary, until it shall meet the Northern boundary of the said lands, Westerly along the said Northern boundary until it shall meet the Western Boundary thereof ; then Southerly along the same, to the beginning saving and reserving for the establishment of trading post, three tracts or parcels of land of six miles square each, at such places as the United States in Congress Assembled shall think proper ; which post and lands annexed to them, shall be to the use and under the Government of the United States of America.

Article 4. If any Citizens of the United States of America, or other person not being an Indian shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

Article 5. If any Indian or Indians or person residing among them, or who shall take refuge in their Nation, shall commit a robbery or murder or other capital crime on any citizen of the United States of America, or persons under their protection, the tribe to which such Offender may belong, or Nation, shall be bound to deliver him or them up to be punished according to the Ordinances of the United States in Congress Assembled ; provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a Citizen on a citizen.

Article 6. If any Citizen of the United States of America, or person under their protection shall commit a robbery or murder or any other capital crime on any Indian, such Offender or Offenders, shall be punished in the same manner as if the Robbery or murder, or other Capital crime, had been committed on a citizen of the United States of America, and the punishment shall be in the presence of some of the Choctaws, if they will attend at the time and place ; and

that they may have an opportunity so to do, due notice if practicable of the time of such intended punishment shall be sent to some one of the tribes.

Article 7. It is understood that the punishment of the Innocent, under the idea of retaliation is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and that it shall be preceded first by a demand of justice, and if refused, then by a declaration of Hostilities.

Article 8. For the benefit and comfort of the Indians, and for the prevention of Injury or Oppression on the part of the Citizens or Indians, the United States in Congress Assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Article 9. Until the pleasure of Congress be known, respecting the eighth Article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws to trade with them, and they shall be protected in their persons and property and kindly treated.

Article 10. The said Indians shall give notice to the Citizens of the United States of America, of any designs they may know or suspect to be formed in any Neighboring tribe, or by any person who-soever, against the peace, trade or Interest of the United States of America.

Article 11. The Hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said States on the One part, and all the Choctaw Nation on the other part, shall be Universal, and the contracting parties shall use their utmost endeavors to Maintain the peace given as aforesaid and friendship re-established.

In Witness of all, and everthing herein determined, between the United States of America and all the Choctaws, we their underwritten Commissioners by virtue of our full powers have signed this definitive treaty and have caused our seals to be hereunto affixed.

Done at Hopewell, on Keeowee, this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

Signed :

BENJAMIN HAWKINS, (L. S.)

ANDREW PICKENS, (L. S.)

JOS. MARTIN, (L. S.)

YOCKENAHOMA, (his X mark.)  
 MINGAHOPOIE, (his X mark.)  
 TOBOCOH, (his X mark.)  
 POOSHEMASTULY, (his X mark.)  
 POOSHAHOOMA, (his X mark.)  
 TUSCOONOOHOPOIE, (his X mark.)  
 SHINSHEMASTUBY, (his X mark.)  
 YOOPAKOOMA, (his X mark.)  
 TUSKKEHOOMOCH, (his X mark.)  
 TUSHKAHOOMOCK, (his X mark.)  
 YOOSTENOCHHA, (his X mark.)  
 TOOTHEHOOMA, (his X mark.)  
 TOOBENOHOOMOCH, (his X mark.)  
 STONAKOOHOPOIE, (his X mark.)  
 TUSHKOKEEGOTHA, (his X mark.)  
 TESHUHENOCKLOCK, (his X mark.)  
 POOSHONALTHA, (his X mark.)  
 AKANCONOBA, (his X mark.)  
 UTOONANACHERBOA, (his X mark.)  
 PANGEKOOLOCK, (his X mark.)  
 STEABEE, (his X mark.)  
 TENCTEHENNA, (his X mark.)  
 TUSHKEMENTAHOCK, (his X mark.)  
 TUSHTALLAY, (his X mark.)  
 CHNAANYCHABBA, (his X mark.)

## Witness :

|                          |                    |
|--------------------------|--------------------|
| CUNNOPOIE, (his x mark). | SAM. TAYLOR,       |
| WM. BLOUNT,              | ROBERT ANDERSON,   |
| JOHN WOODS,              | BENJAMIN LAWRENCE. |

## Interpreters :

|                 |             |
|-----------------|-------------|
| JOHN FITCHLYNN, | JAMES COLE. |
|-----------------|-------------|

# SUPPLEMENT.

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FRAGMENT OF HOUSE JOURNAL APRIL—MAY, 1779.

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NOTE.—In Volume 13, page 823, the House Journal abruptly ends and a note is added that the remainder was lost. By the researches of Dr. Cyrus Thompson, the Secretary of State, the missing part has been found and is here printed.—ED.

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Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

The resolve of your House empowering the Sheriff of Orange County to hold an election for Commissioners for the town of Hillsborough we herewith return you concurred with.

At the same time received the resolve of this House referred to in the above message concurred with.

The Bill to amend an Act entitled, “an Act for levying a tax for defraying the Contingencies of the several Counties in this State, and for other purposes,” was read the third time, amended by consent of both Houses, passed and ordered to be Engrossed.

The Bill to repeal an act entitled, “an Act to carry into effect an act passed at New Bern, in November in the year 1777, entitled, ‘an act for confiscating the property of all such persons as are inimical to the United States, and of such persons as shall not within a certain time therein mentioned appear & submit to the State whether they shall be received as Citizens thereof, and of such persons who shall so appear and shall not be admitted as Citizens, and for other purposes therein mentioned,’ ” was read the first time and rejected.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

This House propose, if agreeable to the Commons, to ballot at 4 o'clock this evening for a Brigadier General for the District of Edenton in the room of General Skinner, resigned ; for Treasurers



for the different Districts of this State, and put in nomination for a Brigadier General Isaac Gregory and John Pugh Williams, Esquires; for a Treasurer for Hillsborough District, William Johnston, Esquire; for Salisbury, William Cathay; for Halifax, Green Hill, Esquire; for Edenton, William Skinner, Esquire; for New Bern, Benjamin Exum, Esquire; and for Wilmington, John Ashe, Esquire. We have appointed Mr. Faulcon and Mr. Seawell to superintend the Balloting on the part of this House. Should your House accede to this measure you will signify the same by Message.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen :

This House have received the Message of yours proposing to Ballot at 4 o'clock this evening for a Brigadier General for the District of Edenton and Treasurers for the different Districts of this State, to which we agree and have on our part put in nomination for a Brigadier General Isaac Gregory, John Pugh Williams and James Blount, Esquires; for a Treasurer for the District of Hillsborough, John Rand; for the District of Salisbury, David Nisbit and Matthew Lock; for the District of Halifax, Green Hill and Goodorum Davis; for the District of Edenton, William Skinner; for the District of New Bern, Richard Cogdell and William Ward; for the District of Wilmington, John Ashe and Henry Rhodes, Esquires. We have appointed Mr. Person and Mr. Samuel Williams to superintend the Balloting.

Resolved, That General Rutherford and Maxwell Chambers for the District of Salisbury, Thomas Person and John Hogun for the District of Hillsborough, Benjamin Seawell and Henry Montfort for the District of Halifax, Samuel Johnston and Robert Smith for the District of Edenton, James Coor and Abner Nash for the District of New Bern and Edward Starkey and William Hooper for the District of Wilmington, or a majority of them, be Commissioners to view the several places in the Counties of Johnston, Wake and Chatham, which may be proposed as proper for becoming the seat of Government, and that they recommend to the Assembly at their next session that place, which from its natural advantages and a respect to the general convenience and advantage of the inhabitants of this State, in the opinion of the majority of such Commissioners ought to have the preference.

Resolved, That the said Commissioners be allowed five pounds per day each for their services. That they meet at Wake Court House on or about the 25th Day of September next, to proceed on the business enjoined them by their appointments.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

This House beg to call the attention of the Senate to the Resolve which accompanies this, it being intended as a substitute for a Resolve the same in substance which failed yesterday from clerical errors or accidental misapprehension.

Received from His Excellency the Governor the following Message :

To the Honorable the General Assembly,

Gentlemen :

I lay before you the petition of sundry Inhabitants of Currituck County with several depositions and other papers relative to the subject matter of the said petition which I recommend to your consideration.

RD. CASWELL.

At the same time received the several depositions and other papers therein referred to, and the same being read were ordered to be sent to the Senate together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send you a Message from His Excellency the Governor together with the sundry papers therein referred to.

Resolved, That Mr. William Bennett be appointed to sell the armed Brigantine, "Pennsylvania Farmer," with her Guns, apparel and Rigging to the highest bidder for ready money, the said Bennett first giving forty days notice thereof in the Virginia and North Carolina Gazettes, and account with the General Assembly at their next session on account of such sale.

Ordered that the above resolve be sent to the Senate for their Concurrence together with the following Message :

Mr. Speaker & Gentlemen of the Senate :

We herewith send for your concurrence a Resolve of this House for selling the armed Brigantine, "Pennsylvania Farmer."

Mr. Person one of the Committee appointed on the part of this House to superintend the balloting for a Brigadier General for the District of Edenton & a Treasurer for each of the Superior Court Districts in this State reported that by a Majority of the votes of both Houses, John Pugh Williams, Esquire, was elected a Brigadier General for the District of Edenton; William Skinner, Esq., Treasurer for the District of Edenton; William Cathay, Esq., Treasurer for the District of Salisbury; William Johnston, Esq., Treasurer for the District of Hillsborough; Green Hill, Esq., Treasurer for the District of Halifax; Richard Cogdell, Esq., Treasurer for the District of New Bern; John Ashe, Esq., Treasurer for the District of Wilmington.

The House taking the said report into consideration concurred therewith.

Mr. Brown from the joint committee appointed to take into consideration the petition of John Cruden, Senr., reported as follows, vizt.:

Your Committee have had under consideration the petition of John Cruden, Senr., and have examined the facts and allegations therein contained, and are of opinion that they are true and recommend him as a person who might safely be admitted a citizen of this State.

The House taking the said report into consideration concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence the report of the committee appointed to take under consideration the petition of John Cruden, Senr., concurred with by this House.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith send for your concurrence a resolve of this House appointing William Skinner, Esquire, to settle and adjust the public accounts and allowing him a certain sum for that service. Also proposing to rescind the resolve adopted by the Assembly appointing three persons for that purpose.

At the same time received the resolve of the Senate referred to in the above Message and the same being read was concurred with.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

Herewith we return you the resolve of your House appointing General William Skinner to adjust the accounts of this State with the Continental Congress, &c., and allowing him a certain sum therein mentioned for those services, concurred with.

The House adjourned until To-morrow Morning 8 O'Clock.

Thursday 13th May, 1779.

The House met according to adjournment.

Ordered. Mr. Thos. Sherrod have leave of absence after to-morrow.

Resolved, That Thomas Craik, Esquire, Commissary of Stores, be allowed the sum of two thousand one hundred and four pounds three shillings and four pence for his services making up clothing & selling Goods for the Continental Officers and Soldiers of this State from the 23rd of November, 1776, to this date. That the Treasurers, or either of them, pay him the same and be allowed.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a resolve of this House in favor of Thomas Craik, Esquire, Commissary of Stores.

Resolved, that Messrs. Luttrell, Person, Rowan, Smith and Phi-fer be a Committee on the part of this House to act jointly with such Gentlemen of the Senate as may be appointed to point out and ascertain the services to be performed by the commissary of stores, as also the allowance for such services.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

This House have appointed Messrs. Luttrell, Person, Rowan, Smith and Phi-fer a Committee on their part to act jointly with such Gentlemen of the Senate as may be appointed to point out and ascertain the services to be performed by the Commissary of Stores, as also the allowance for such services.

Received from the Senate the following Message :

Mr. Speaker & Gentlemen of the House of Commons :

This House have appointed Mr. Relfe and Mr. Respass to act with such Gentlemen as the House of Commons may appoint to take into consideration the several letters, &c., relative to the Inhabitants of Currituck.

Resolved That Messrs. Brown, Smith, Campbell and P. Hawkins be a Committee on the part of this House for the purposes above mentioned.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

This House have appointed Messrs. Brown, Smith, Campbell and P. Hawkins to act with the Gentlemen by you appointed to take under consideration the several Letters, &c., relative to the Inhabitants of Currituck.

Read the petition of George Lamkin, late Sheriff of Tryon County. Ordered that the same be referred to a joint Committee. That for this purpose Messrs. Hawkins, Montfort, Tripp, Wilson, Phifer & Rowan be a Committee on the part of this House.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

This House have appointed Messrs. Hawkins, Montfort, Tripp, Wilson, Phifer and Rowan a Committee to act jointly with such Gentlemen of the Senate as may be appointed to take under consideration the petition of George Lamkin, late Sheriff of Tryon County.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons.

Herewith you will receive the resolve of your House relative to the Brigantine "Pennsylvania Farmer" concurred with.

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the resolve of your House appointing commissioners to recommend to the next Assembly a suitable place for fixing the seat of Government concurred with.

At the same time received the resolves of this House referred to in the above Messages concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return the report of the Committee appointed to take under consideration the petition of John Cruden, Senr., concurred with.

At the same time received the report of the Committee referred to in the above message concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

The Resolve of your House in favor of Thomas Craike, Esquire, you will with this receive concurred with.

At the same time received the resolve of this House referred to in the above message concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

This House have received the message of yours appointing a Committee to point out and ascertain the services to be performed by the Commissary of Stores, and also the allowance for such services, and have on their part for that purpose appointed Messrs. Rutherford, Sanders and Hogun.

The order of the day for taking into consideration the amendments necessary to be made in the bill for raising regular forces for the defence of the United States being called for and read, Resolved, That the House resolve itself into a Committee of the whole to take the same into consideration. The House resolved itself into a Committee of the whole accordingly and chose Richard Cogdell, Esquire, Chairman, and after sometime spent therein Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee had come to several resolutions on the matter referred to them but not having time to reduce them to form desired leave to sit again in the afternoon.

Resolved, That the said Committee have leave to sit again in the afternoon.

The House adjourned 'til 4 O'clock P. M.

The House met according to adjournment.

The order of the afternoon for taking into further consideration the amendments necessary to be made in the bill for raising Regular Forces for the Defence of the United States being called for and

read, the House resolved itself into a Committee of the whole to take the same into their further consideration, Richard Cogdell, Esquire, Chairman, and after sometime spent therein Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee had come to several resolutions on the matter referred to them which he was ready to report to the House, and the same being read was rejected.

Mr. I. Campbell moved for leave to withdraw and amend the said Bill. Ordered that he have leave accordingly.

Mr. Jones from the Committee appointed to draw up and make report of Instructions to His Excellency the Governor relative to the Letter from His Excellency Governor Henry and to consider several letters from Col. Jonas Johnston, reported as follows :

Your Committee having examined the letter addressed to Patrick Henry, Esquire, Governor of Virginia, by advice of the Council, to His Excellency Richard Caswell, Esquire, find that it contains a proposition to this State of a strange nature, founded in reasons which have no weight in themselves ; a Reflection on which is as painful to your Committee, as a Repetition of them on the Journals of the Assembly is unnecessary and improper. But the amount of the Proposition is this : That this State shall furnish Troops to oppose the British forces to the Southward, as well for the Commonwealth of Virginia as for itself. This being the case, your Committee are of opinion it will suffice that his Excellency acknowledge the receipt of the letter, testifying our total disapprobation of the proposition, and appeal from the sense of the Council to the wisdom and virtue of the General Assembly of Virginia.

Your Committee having also examined Col. Johnston's Letter are of opinion that it is unnecessary for the Assembly to take any Resolution respecting the public pork left at his House because the disposal of it ought to be regulated by the contract made between Col. Johnston and William Wooten, Contractor of Halifax District. Your Committee observe that Col. Johnston in his said letters suggests that there are many delinquents among the men ordered out under his command, that those who appeared were extremely ill provided with arms and other necessaries, and complains that there is no provision made for paying the men their monthly bounty or daily pay. Your Committee feel themselves incapable of pointing

out Remedies for all these evils; but as there is at present no Continental money in our own Treasury, and our Militia to the Southward must suffer exceedingly unless they are provided with money,

Your Committee would recommend that General Butler be empowered to draw on the Treasury of South Carolina for any sum not exceeding One Hundred Thousand Dollars to be applied to the payment of our Militia while in that State; and His Excellency Richard Caswell, Esquire, be desired to write to the Governor of South Carolina, pledging the faith of this State for all sums of money so advanced for the purposes aforesaid.

The House taking the said report into consideration concurred therewith, and resolved that General Butler lay an account of the monies received in virtue of this resolve before the next General Assembly at their next session.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence the report of the Committee appointed to draw up and make report of Instructions to His Excellency the Governor, relative to the Letter from His Excellency Governor Henry, &c., concurred with by this House.

The House adjourned 'til to-morrow morning 8 o'clock.

Friday 14 May, 1779.

The House met according to adjournment.

The Honorable the Speaker laid before the House a Letter from the Lieutenant Governor of South Carolina addressed to His Excellency Richard Caswell, Esquire, purporting the movements of the enemy and the situation of our army to the southward, and the same being read was ordered to be referred to a joint Committee.

Resolved, That Messrs. Hooper, Jones and Person be a Committee on the part of this House for that purpose.

Ordered that the following Message be sent to the Senate :

Me. Speaker and Gentlemen of the Senate :

We herewith send you a letter from the Lieutenant Governor of South Carolina addressed to His Excellency Richard Caswell, Esquire, which we propose referring to a joint Committee & have for that purpose on our part appointed Messrs. Hooper, Jones and Person a Committee.

Mr. Hawkins from the Committee appointed to take under con-



sideration the petition of the Inhabitants of Currituck respecting the Militia of said County being exempt from Military draughts, reported as follows : That the said Militia in the opinion of your Committee cannot be exempt as set forth in the said petition. All which is submitted.

The House taking the said report into consideration concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence the report of the Committee appointed to take under consideration the Petition of the Inhabitants of Currituck concurred with by this House.

Mr. Bloodworth from the Committee appointed to consider the Petition of Charles Medlock, Esq., Colonel of the Anson Regiment of Militia, reported as follows :

Your Committee having read the several depositions relative to the balloting of Capt. George Wilson's Company in said County, are of opinion that the same was irregular, illegal and nugatory, in as much as all the persons by the said Company balloted were either by law exempt or belonged to other Companies, except Judge Spencer, who was on the Circuit and was not produced by the said Company to the proper officers in due time.

Your Committee are therefore of opinion that the field officers of the said County of Anson were by law authorized to nominate other persons of the said George Wilson's Company to serve in lieu of those so balloted as aforesaid, and the persons so nominated having failed to attend and perform the service required are to be considered as delinquents and ought to be treated accordingly.

The House taking the said report into consideration concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence the report of the Committee appointed to consider the petition of Charles Medlock, Colonel of the Anson Regiment of Militia, concurred with by this House.

Resolved, That General Skinner in order to enable him to make

the state of public accounts required by the General Assembly be authorized to demand and receive of the clerks thereof, or other persons any public papers in their possession relative to the said accounts and General Skinner's receipt shall be a sufficient voucher for the delivery.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a Resolve of this House authorizing General Skinner to demand and receive of the Clerks of the General Assembly, or other persons any public papers in their possession, &c.

Whereas, there is only one Commissioned Officer of the Magazine Guard at Halifax (to-wit.) a Captain. And the said Captain is frequently under a necessity of leaving the Town to go in pursuit of deserters, or on other public business, on which occasions the Guards are too inattentive to their duty.

Resolved therefore, That His Excellency the Governor be authorized and desired to appoint a Lieutenant to the said Guard.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a Resolve of this House desiring His Excellency the Governor to appoint a Lieutenant to the Guard of the Magazine at Halifax.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith send for your concurrence a Resolve of this House directing the commissioners appointed by last Assembly to purchase provisions to take care of the same until called for by proper officers.

At the same time received the resolve of the Senate referred to in the above Message and the same being read was concurred with.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

We herewith return the Resolve of your House directing the Commissioners appointed by last Assembly to purchase provisions to take care of the same, &c., concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return you the report of the Committee appointed to draw up and make report of Instructions to His Excellency the Governor relative to the Letter from His Excellency Governor Henry, &c., concurred with by this House.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return you the report of the Committee appointed to take under consideration the Petition of the Inhabitants of Currituck County concurred with by this House.

At the same time received the reports referred to in the above Messages concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith send for your concurrence a Resolve of this House relative to the Continental Money of the emissions of May 20th, 1777, and 11 April, 1778.

At the same time received the resolve of the Senate referred to in the above message & the same being read was concurred with.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

Herewith you will receive the resolve of your House relative to the Continental Money of the emissions of May 20, 1777, and 11th April, 1778, concurred with.

Received from the Senate the following Messages :

Mr. Speaker and Gentlemen of the House of Commons :

This House have received your Message, together with a Letter from the Lieutenant Governor of South Carolina to the Governor of this State, and have appointed Mr. Johnston & General Rutherford to act with the gentlemen by you appointed to take the said letter under consideration.

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return the Resolve of your House directing His Excellency to appoint a Lieutenant to the Guard of the Magazine at Halifax, concurred with.

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the Resolve of your House authorizing Genl. Skinner to demand and receive from the Clerks of the Assembly, or other persons, certain papers therein mentioned, also the report of the Committee appointed to consider the Petition of Col. Medlock, concurred with.

At the same time received the resolves and report referred to in the above Messages concurred with.

Resolved, That the Treasurers of this State receive of the County Treasurers and Entry Takers certificates for money deposited in the Continental Loan Office in this State redeemable the first day of August next in discharge of their collections, &c., which said certificates the Treasurers are hereby authorized to draw the money for the use of this State.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your Concurrence a Resolve of this House empowering the Treasurers to receive Loan Office Certificates of the County Treasurers & Entry Takers in Discharge of Collections, &c.

Resolved, That His Excellency the Governor be requested to order Six of the Eighteen and Six of the Twenty-four pound Cannon Guns imported in the Ship "Holy Heart of Jesus," from Edenton to Fort Johnston, for the defence of that place. That he also be requested to grant a warrant on the Treasury of this State in favor of the Commissioners of the said Fort for the sum of seven thousand five hundred pounds to enable them to complete the same.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a resolve of this House requesting His Excellency the Governor to order the Cannon Guns therein mentioned to Fort Johnston for the defence of that place, &c.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the resolve of your House directing the Treasurers to receive of the County Treasurers and Entry Takers

Certificates for money deposited in the Loan office, &c. Concurred with.

At the same time received the resolve of this House referred to in the above message concurred with.

Mr. Jones from the Committee appointed to take under consideration the Lieutenant Governor of South Carolina's Letter, Reported as follows :

That a most earnest and pressing requisition be made to Congress to order the return of the Troops of this State in the Continental service in order that they may march to the aid of South Carolina.

That Fifteen Hundred Regular Troops be raised as soon as possible to fill up the Continental Battalions in the service of this State to be marched under proper officers to the aid of South Carolina. That the Governor and Council be impowered to raise Fifteen hundred militia to supply the place of the militia now in the service of South Carolina if necessary, and that they receive the same bounty and their time of service be of the same continuance as those now in service.

That the Assembly call upon Congress for a sum not less than two and a half million of Dollars towards defraying the expense of recruiting, clothing and marching the above Troops.

The House taking the said report into consideration concurred therewith.

Ordered that the above report be sent to the Senate for their Concurrence together with the following message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence the report of the Committee appointed to take under consideration the Letter from the Lieutenant Governor of South Carolina to the Governor of this State. Concurred with by this House.

Mr. Campbell who had leave to withdraw and amend the Bill for raising Regular Forces for the defence of this and the Neighbouring States, brought in the same amended.

Ordered, that the said bill be read the third time, the same was read the third time, amended, passed & sent to the Senate.

The Bill to enable the Governor with the advice of the Council to embody and march to the aid of any of the neighbouring States

any number of the Militia not exceeding Two Thousand men, was read the second time and rejected.

Received from the Senate the following Messages :

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the resolve of your House requesting His Excellency, the Governor, to order certain pieces of Cannon to Fort Johnston, &c. Concurred with.

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return you the report of the Committee appointed to take under consideration the Letter from the Lieutenant Governor of South Carolina to Governor Caswell, &c. Concurred with by this House.

At the same time received the Report and Resolve referred to in the above Messages. Concurred with.

The House adjourned 'til to-morrow morning 8 o'clock.

Saturday 15th May, 1779.

The House met according to adjournment.

Mr. Benjamin Williams, one of the members for Craven County, and Mr. Thomas Tullock the member for the town of Hillsborough, appeared, were qualified, and took their seats.

Resolved that a writ of election issue to the County of Craven for the election of one member of this House for the town of New Bern in the room and stead of Richard Cogdell, Esquire, whose seat is vacated by his acceptance of the appointment of Treasurer for the District of New Bern.

Also to the County of Franklin for the election of one member of this House in the room of Green Hill, Esquire, whose seat is vacated by his acceptance of the appointment of Treasurer for the District of Halifax. That the said Elections be held on the 25th and 26th Days of June next.

Resolved, That the clerk of the Commons, as soon as possible after the expiration of every session of General Assembly make copies of such Resolutions as may pass therein and transmit them by some safe conveyance to the person or persons directed to carry them into execution without delay.

Mr. Haywood, from the Committee of Privileges and Elections,

to whom was referred the Petition of Ethelred Ruffin, complaining of an undue election in Dobbs County Reported as follows :

That having examined into the allegations set forth in the said Petition find that the sheriff did not swear the electors altho' desired so to do by the petitioner several times, and that a considerable number of soldiers from several Counties were marched to the election, a part of whom voted.

Upon the whole your Committee are of opinion that the said election was illegal and unfair, all of which is submitted.

The House taking the said report into consideration; Resolved, That they do concur therewith, and that the seats of the members of the said County be vacated, and that a writ of election issue to the said County for the election of two members of this House in the room of Thomas Gray and Jesse Cobb, Esq'rs, the members thereof, That the said election be held on the 6th and 7th Days of September next.

Resolved, that Joseph Green, Esq., Deputy purchasing Commissary for the United States in this State be and he is hereby directed to remove the public Stores from Wilmington up Long Creek to some place of safety immediately.

Ordered that the above resolve be sent to the Senate for their Concurrence, together with the following message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a Resolve of this House directing Joseph Green, Esquire, purchasing Commissary, &c., to remove the public stores from Wilmington.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith send for your concurrence a resolve of this House vesting the Brigadier Generals of this State with certain powers, &c.

At the same time received the resolve of the Senate referred to in the above message, and the same being read, was concurred with.

Ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

We herewith return the Resolve of your House vesting the Brigadier Generals of this State with certain powers concurred with by this House.

Mr. Haywood, from the Committee of Privileges and Elections, reported as follows :

Your Committee of Privileges and Elections to whom Buckner Kimball applied setting forth that the election of Montgomery County was an undue one, after hearing the evidence on both sides report as our opinion that the said election is Legal.

The House taking the said report into consideration concurred therewith.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House appointing Armourers to the Brigades of the Militia that shall be ordered on service hereafter, &c.

At the same time received the resolve of the Senate referred to in the above message, and the same being read, was concurred with.

Ordered that the following message be sent to the Senate.

Mr. Speaker and Gentlemen of the Senate :

We herewith return the Resolve of your House appointing Armourers to the Brigades of Militia that shall be ordered on service hereafter, &c., concurred with by this House.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House empowering Thomas Craike, Esquire, to make up tents, Clothing, &c., and to procure arms for the defence of this State.

At the same time received the resolve of the Senate referred to in the above message & the same being read, was rejected.

Resolved, That John Hunt be allowed the sum of eight hundred pounds for settling and adjusting the accounts of one session at Halifax exclusive of two hundred pounds heretofore advanced him for that service, that the Treasurers or either of them pay him the same and be allowed.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following message :

Mr. Speaker and Gentlemen of the Senate.

We herewith send for your concurrence a resolve of this House allowing John Hunt a certain sum therein mentioned.



Mr. Jones, from the Committee appointed to take under consideration the case of the Continental officers Reported as follows:

That to every officer of the North Carolina Continental Troops who by a Resolution of Congress of the — Day of ——— shall be entitled to receive half pay during seven years after the termination of the present War, the half pay shall be continued during the life of the said officer. That the articles hereafter enumerated shall be delivered to the officers and soldiers of the North Carolina line at the prices annexed, West India Rum at 8/ per gallon, Muscovado Sugar at 3/ per pound, Coffee at 4/ per pound, Tea at 20/ per pound, Chocolate at 4/ per pound, Hard Soap at 2/ per pound, Tobacco at 1/ per pound. That every officer of said Troops (except such as shall resign) shall be annually during the War furnished with a complete suit of Regimental Uniform at the price for which it might have been purchased at the Commencement of the War, that the lands which shall be granted within this State to the officers and soldiers serving the Troops of the State in consequence of a Resolution of Congress of September 16th, 1776, shall be exempted from taxation whilst they continue in the possession of such officers and soldiers and before any Alienation thereof made and not after.

That widows of the officers of the said State in the Continental service who have died in the service since the Commencement of the present War, or who may die during the continuance thereof, shall be entitled to half the pay which their husbands were respectively entitled to while in the service during their widowhood.

The House taking the said Report into consideration concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following message :

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee appointed to take under consideration the case of the Continental Officers, &c., Concurred with by this House.

The Bill for emitting money for defraying the expence of the War, and for other purposes was read the third time, amended by Consent of both Houses, passed and ordered to be Engrossed.

Resolved, That the Contractor for Wilmington District be directed to deliver to Henry Toomer, Deputy Quarter Master as much corn

as may be absolutely necessary for furnishing the Waggon Horses under his care and the rations for the said Deputy Quarter Master, and the Wagon Master, on application, and that the said contractor take proper receipts for the same, and that the said Quarter Master receive the said Corn, &c., at the place or places where the same is or may be stored.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a resolve of this House, directing the Contractor for Wilmington District to deliver Corn to Henry Toomer, Quarter Master, &c.

Resolved, That John Ashe, Esquire, Treasurer for the District of Wilmington be directed to advance the sum of one thousand pounds to James Bloodworth, Contractor for said District to enable him to remove, overhaul and repack provisions purchased by him for the use of the public, he first giving bond and security for the faithful application thereof. That the said contractor lay an account of his expenditures before the General Assembly at their next session.

Ordered that the above resolve be sent to the Senate for their Concurrence together with the following message.

Mr. Speaker and Gentlemen of the Senate :

Herewith we send for your Concurrence a resolve of this House directing John Ashe, Esquire, Treasurer for the District of Wilmington to advance a certain sum therein mentioned to James Bloodworth, Contractor.

Resolved, That his Excellency the Governor, with the advice of the Council, be empowered to call the General Assembly together at a shorter day than that to which the Assembly stands adjourned, if any extraordinary, or unforeseen important Event shall make it necessary.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering His Excellency the Governor with the advice of the

Council to call the Assembly together at a shorter day than that to which it stands adjourned if it should be deemed necessary.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith send for your concurrence a resolve of this House empowering His Excellency to draw on the Continental Treasury for a certain sum of money therein mentioned.

At the same time received the resolve of the Senate referred to in the above message and the same being read was concurred with.

Ordered that the following Message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate :

We herewith return the resolve of your House empowering His Excellency to draw on the Continental Treasury for a certain sum of money therein mentioned concurred with by this House.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House stating the daily pay of Wagons and carts in the service of this State.

At the same time received the resolve of the Senate referred to in the above message and the same being read was concurred with.

Ordered that the following message be sent to the Senate :

Mr. Speaker & Gentlemen of the Senate :

We herewith return the resolve of your House stating the daily pay of Wagons and Carts in the service of this State concurred with.

Resolved, that the Commercial agent appointed for this State be and is hereby directed, to contract with the French Consul Monsieur Plumbard or others within the United States for arms and other necessaries if practicable, if not, that then he purchase or charter a vessel or vessels as he may think proper to export the public tobacco, by him purchased to St. Eustatia or elsewhere, and to proceed with or without the Tobacco as he may judge most advisable with such advice as the Governor with the advice of the Council of State may think proper to give upon this important occasion and that the Governor furnish him with such draughts on the Treasury as he may judge necessary to carry this resolution into effect.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a Resolve of this House empowering the commercial agent appointed for this State to contract for arms, &c., also empowering His Excellency the Governor to grant Warrants on the Treasury for such sums of money as may be necessary to carry into effect the purposes therein recommended.

Resolved, That when to the respective surveyors and their deputies within the several counties in this State upon running out any Lands upon a Warrant or order of survey being heretofore surveyed or bounded by lines all round there shall appear to be more land than is specified within the said warrant or order of survey, and where the quantity does not exceed ten per cent. the said surveyors may make a return thereof according to the quantity to the Secretary who is also authorized to prepare the grants agreeable thereto.

Ordered that the above resolve be sent to the Senate for their Concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herein send for your concurrence a resolve of this House directing the Surveyors to make certain returns of surveys, &c., &c.

Resolved, That His Excellency, the Governor, be requested to grant a commission to James Moore as Colonel, Arthur Brown as Lieutenant Colonel, James Campbell as first Major and Thomas Pugh as Second Major of Bertie County.

Ordered that the above resolve be sent to the Senate for their Concurrence together with the following Message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a resolve of this House for directing His Excellency the Governor to grant Commissions to certain persons in Bertie county.

John Pugh Williams, Esquire came into the House and returned his most sincere thanks for the Honor done him by the General Assembly in appointing him Brigadier General of the District of Edenton, and begged leave to resign the said appointment.

Ordered that he have leave accordingly.

Resolved, that it be recommended to his Excellency the Governor

to issue a Commission of Brigadier General to Isaac Gregory, Esquire, for the District of Edenton in the room of John Pugh Williams, Esq., Resigned.

Ordered that the above resolve be sent to the Senate for their Concurrence together with the following message :

Mr. Speaker and Gentlemen of the Senate :

We herewith send for your concurrence a resolve of this House requesting His Excellency the Governor to issue a Commission of Brigadier General to Isaac Gregory, Esq., of the District of Edenton.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return the resolve of your House requesting His Excellency, the Governor to make out a Commission of Brigadier General for the District of Edenton to Isaac Gregory, Esquire in the stead of John Pugh Williams, Esq., resigned, concurred with by this House.

Mr. Speaker and Gentlemen of the House of Commons :

We herewith return you the resolve of your House directing John Ashe, Esq., Treasurer for the District of Wilmington, to advance Mr. James Bloodworth a sum therein mentioned concurred with :

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the resolve of your House directing the contractor of Wilmington District to deliver corn to Mr. Toomer, Concurred with by this House.

Mr. Speaker and Gentlemen of the House of Commons.

We herein return you the report of the Committee appointed to take under consideration the case of the continental officers concurred with.

Mr. Speaker and Gentlemen of the House of Commons :

We herein return the resolve of your House empowering His Excellency the Governor with the advice of the Council to call the Assembly together at a shorter day than that to which it stands adjourned Concurred with by this House.

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the resolve of your House empowering the Commercial Agent of this State to Contract for Arms, &c. also empowering His Excellency the Governor to grant warrants on the Treasury for the necessary sums of money to carry into effect the purposes therein mentioned concurred with by this House.

Mr. Speaker and Gentlemen of the House of Commons.

We herewith return the resolve of your House requesting His Excellency the Governor to grant Commissions to certain persons in Bertie County concurred with.

Mr. Speaker and Gentlemen of the House of Commons :

Herewith you will receive the resolve of your House in favour of Mr. John Hunt concurred with.

At the same time received the several resolves and reports referred to in the above messages concurred with.

Received from the Senate the following Message :

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House allowing a further sum to the superintendents and signers of the last Emission of money.

At the same time received the resolve of the Senate referred to in the above message and the same being read, was rejected.

The business of the session being over, Resolved, that the Speaker sign the several bills as the acts of the Assembly, and the Journals as the acts of this House.

The House adjourned til the first Monday in October next, then to meet in the town of Halifax.

By order,

JOHN HUNT, C. H. C.

THOS. BENBURY, S. C.















